

**REPORT ON THE**  
**ALABAMA BOARD OF**  
**COSMETOLOGY**

**Montgomery, Alabama**



**Department of**  
**Examiners of Public Accounts**

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October 24, 2007

Senator Larry Dixon  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Senator Dixon,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Alabama Board of Cosmetology** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Board of Cosmetology**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones  
Chief Examiner

Examiners:  
Robin Arwood Stone  
Leah Veach



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## PROFILE

### Purpose/Authority

The Board of Cosmetology was first created by Act 653, *Acts of Alabama 1957*. The purpose of the board is to regulate the teaching and practice of cosmetology and to require the registration and licensing of cosmetologists, manicurists, estheticians, apprentices, students, and schools for cosmetologists, manicurists, and estheticians. The *Code of Alabama 1975*, Sections 34-7A-1 through 34-7A-25, provides the current statutory authority for the board.

<u>Board Characteristics</u>	
<b>Members and Selection</b>	7 members appointed by the Governor with the advice and consent of the Senate.  <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Term</b>	4-year terms. No member may serve more than two 4-year terms.  <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Qualifications</b>	At least 5 members must be active, licensed master or instructor cosmetologists. <ul style="list-style-type: none"><li>• All licensee members must have at least 5 years practical experience in the majority of areas of cosmetology.</li></ul> <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Racial Representation</b>	No statutory requirement 3 black members  Source = Executive Director
<b>Geographical Representation</b>	Members represent the 7 congressional districts of the state and must reside in the district they represent.  <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Consumer Representation</b>	2 members <i>may</i> be consumers. Currently 2 board members, Hon. Nancy Fair and Hon. Kathy Linden, are consumer members. Neither holds a cosmetology license  <i>Code of Alabama 1975</i> , Section 34-7A-3, Senior Accountant

<b>Other Representation</b>	<p>The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-7A-3</i></p>
<b>Compensation</b>	<p>\$100 per day for transaction of board business, not to exceed \$5,000 annually.</p> <p>Mileage and per diem same as state employees.</p> <p><i>Code of Alabama 1975, Section 34-7A-5</i></p>
<u><b>Operations</b></u>	
<b>Administrator</b>	<p>Bob McKee, Executive Director Annual Salary = \$67,410.00</p> <p>Appointed by the Governor in the unclassified service of the state's Merit System.</p> <p>Serves at the pleasure of the Governor.</p> <p><i>Code of Alabama 1975, Section 34-7A-5,</i> Source = Executive Director.</p>
<b>Location</b>	<p>RSA Union Building 100 South Union Street, Suite 324 Montgomery, AL 36104</p>



Type of License	Licenses at 9/5/07:			
	Personal Licenses	Cosmetologist	Manicurist	Esthetician
	Student	100	2	8
	Apprentice	379	650	32
	Pending exam	570	184	62
	Regular	4,292	851	177
	Managing	9,815	937	78
	Master	941	666	45
	Instructor	414	6	6
	Subtotal	16,511	3,296	408
	Shampoo Asst	522		
	Demonstrator	14		
	Total Personal	20,751		
	Booths	1,146		
	Cos. Salon	4,743		
	Man. Salon	676		
	Est. Salon	32		
	Cosmetic Studio	5		
	Cos. School	32		
	Man. School	2		
	Est. School	5		
	Total Licenses	27,392		
	Source = Senior Accountant			
Renewal	<ul style="list-style-type: none"><li>• Renewals can be made by mail or online. As of 9/24/07, all categories of renewals, both personal and premises, can be obtained online.</li><li>• Personal licenses renew on the last day of the licensee's birth month in odd-numbered years. If the application for renewal is received more than 5 days after the expiration date, a late fee is assessed.</li><li>• Booth, Salon, and School licenses renew on September 30 in odd-numbered years. If the application for renewal is received more than 31 days after the expiration date, a late fee is assessed.</li></ul>			
	Source = Senior Accountant			
	Code of Alabama 1975, Section 34-7A-9			

<b>Examinations</b>	<div><b><u>Written &amp; Practical Examinations</u></b><ul style="list-style-type: none"><li>• <b>Written examinations</b> are prepared by the National Interstate Compact of Boards of Cosmetology (NIC). The testing service provider is LaserGrade. Tests are available to candidates by computer-based testing at 6 locations: Vinemont, Huntsville, Birmingham, Montgomery, Mobile and Ozark.</li><li>• <b>Practical examinations</b> are administered monthly by proctors, or raters, trained annually by NIC personnel. The exams are available only in Montgomery.</li></ul><p>Pass/Fail Rates for Written and Practical Examinations August 1, 2004 through August 1, 2007</p><table><tr><th>Exam</th><th>Total</th><th>Pass</th><th>Fail</th><th>%Pass</th><th>National % Pass</th></tr><tr><td>Nail Practical</td><td>829</td><td>682</td><td>147</td><td>82</td><td>82</td></tr><tr><td>Nail Theory</td><td>1042</td><td>457</td><td>585</td><td>44</td><td>62</td></tr><tr><td>Esthetics Practical</td><td>194</td><td>176</td><td>18</td><td>91</td><td>93</td></tr><tr><td>Esthetics Theory</td><td>236</td><td>170</td><td>66</td><td>72</td><td>71</td></tr><tr><td>Instructor Practical</td><td>144</td><td>69</td><td>75</td><td>47</td><td>73</td></tr><tr><td>Instructor Theory</td><td>135</td><td>87</td><td>48</td><td>64</td><td>70</td></tr><tr><td>Cosmetology Practical</td><td>2879</td><td>2692</td><td>706</td><td>94</td><td>93</td></tr><tr><td>Cosmetology Theory</td><td>3119</td><td>2413</td><td>706</td><td>77</td><td>77</td></tr><tr><td>Spanish Cos. Theory</td><td>4</td><td>0</td><td>4</td><td>0</td><td>44</td></tr><tr><td>Vietnamese Cos. Theory</td><td>1</td><td>0</td><td>1</td><td>0</td><td>80</td></tr><tr><td>Vietnamese Nail Theory</td><td>158</td><td>52</td><td>106</td><td>33</td><td>62</td></tr></table><p>Source = Executive Director</p></div>	Exam	Total	Pass	Fail	%Pass	National % Pass	Nail Practical	829	682	147	82	82	Nail Theory	1042	457	585	44	62	Esthetics Practical	194	176	18	91	93	Esthetics Theory	236	170	66	72	71	Instructor Practical	144	69	75	47	73	Instructor Theory	135	87	48	64	70	Cosmetology Practical	2879	2692	706	94	93	Cosmetology Theory	3119	2413	706	77	77	Spanish Cos. Theory	4	0	4	0	44	Vietnamese Cos. Theory	1	0	1	0	80	Vietnamese Nail Theory	158	52	106	33	62
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<b>Continuing Education</b>	<div><ul style="list-style-type: none"><li>• To upgrade a managing license to a master license, the applicant must obtain 8 hours of board-approved continuing education.</li><li>• Upon renewal, master-level licensees must obtain 16 hours of board-approved continuing education. (In 2009, the requirement decreases to 8 hours of board-approved continuing education.)</li><li>• Upon renewal, instructors must obtain 16 hours of board-approved continuing education.</li></ul><p><i>Code of Alabama 1975, Section 34-7A-22 Cosmetology Administrative Rules, Rule 250-X-2-.04</i></p></div>																																																																								

<b>Reciprocity</b>	<p>The board has no true reciprocity agreement with other states. However, the board's governing statutes provide that an applicant may receive a personal license without taking the exam if:</p> <ul style="list-style-type: none"> <li>• The applicant is currently licensed in good standing in another state, AND</li> <li>• Can provide evidence of passing a board approved examination, OR</li> <li>• Can provide documentation of having practiced as a licensee in the appropriate field for at least 5 years prior to application.</li> </ul> <p><i>Code of Alabama 1975, Section 34-7A-9</i></p>
<b>Employees</b>	<p>The board employs 27 merit system employees, including 6 black employees.</p> <p>Senior Accountant.</p>
<b>Legal Counsel</b>	<p>Monet Gaines Alabama Attorney General's Office</p> <p>Source = Executive Director</p>
<b>Subpoena Power</b>	No

<b>Internet Presence</b>	<p>The board's internet address is: <a href="http://www.aboc.state.al.us">www.aboc.state.al.us</a></p> <p>The website contains:</p> <table border="1"> <tr> <td>Home</td><td>Welcome information, mission statement</td></tr> <tr> <td>Contacts</td><td>Address, phone numbers, e-mail</td></tr> <tr> <td>Law</td><td>The board's governing statutes and administrative code</td></tr> <tr> <td>Proposed Rules</td><td>Proposed changes to the board's administrative code</td></tr> <tr> <td>Alabama.gov</td><td>A link to Alabama.gov</td></tr> <tr> <td>Privacy</td><td>A link to ISD's privacy statement</td></tr> <tr> <td>Links</td><td>Links to the Alabama Cosmetology Association Seminar and the Cosmetic Industry Seminar</td></tr> <tr> <td>Applications</td><td>Downloadable Applications</td></tr> <tr> <td>Continuing Education</td><td>Board approved seminars by month</td></tr> <tr> <td>Examinations</td><td>Computer-based test information, candidate information bulletins, sample test questions, practical examination test dates</td></tr> <tr> <td>Fees</td><td>Fees</td></tr> <tr> <td>Complaints</td><td>General investigative outline, downloadable complaint form</td></tr> <tr> <td>FAQ</td><td>Frequently asked questions</td></tr> <tr> <td>Reciprocity</td><td>Downloadable license certification request, other reciprocity information</td></tr> </table> <p><a href="http://www.aboc.state.al.us">www.aboc.state.al.us</a></p>	Home	Welcome information, mission statement	Contacts	Address, phone numbers, e-mail	Law	The board's governing statutes and administrative code	Proposed Rules	Proposed changes to the board's administrative code	Alabama.gov	A link to Alabama.gov	Privacy	A link to ISD's privacy statement	Links	Links to the Alabama Cosmetology Association Seminar and the Cosmetic Industry Seminar	Applications	Downloadable Applications	Continuing Education	Board approved seminars by month	Examinations	Computer-based test information, candidate information bulletins, sample test questions, practical examination test dates	Fees	Fees	Complaints	General investigative outline, downloadable complaint form	FAQ	Frequently asked questions	Reciprocity	Downloadable license certification request, other reciprocity information
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<b>Attended Board Member Training</b>	<p>4/27/05: 2 board members, the executive director, the senior accountant, and 1 account clerk.</p> <p>8/23/06: 6 board members (all new appointments), the senior accountant, and 2 account clerks.</p> <p>Source = Examiners of Public Accounts attendance rosters</p>																												
<b><u>Financial Information</u></b>																													
<b>Source of Funds</b>	<p>Licensing fees, fines and penalties</p> <p><i>Code of Alabama 1975</i>, Sections 34-7A-9, 34-7A-10, 34-7A-11, and 34-7A-15(3)</p>																												
<b>State Treasury</b>	<p>Yes, Fund Number 0357</p> <p><i>Code of Alabama 1975</i>, Section 34-7A-5</p>																												
<b>Unused Funds</b>	<p>Retained by the board</p> <p><i>Code of Alabama 1975</i>, Section 34-7A-5</p>																												

## **SIGNIFICANT ITEMS**

There are no new significant items.

## **STATUS OF PRIOR SIGNIFICANT ITEMS AND FINDINGS**

### **1. Prior Finding**

The board does not have a formal written and tested disaster recovery plan for its physical and electronic data, thereby reducing the likelihood that the board could continue to function effectively following a natural or man-made disaster that affected its electronic records and resources.

### **Recommendation**

The board should create and test a disaster recovery plan which includes provisions for protection of electronic records and to enable the board to continue operations after a natural or man-made disaster.

### **Current Status**

The board is in the process of contacting a professional to assist them with preparing a disaster recovery plan. At the present time, the board's licensing database servers are housed with the Information Services Division (ISD) of the Department of Finance. ISD is responsible for the backup and off site storage of the board's licensing database. All other pertinent accounting, personnel and licensing information is kept by the board at its office. Such data is backed up, however; the backed up data is not stored off site at this time.

### **2. Prior Significant Item**

The proliferation of unlicensed barbershops offering essentially the same services as cosmetologists reduces the board's ability to regulate the practice of cosmetology. A review of "problem" inspections (unlicensed shops, shops with license violations, shops with low inspection scores, shops that could not be inspected) from 6/03 through 8/04 shows of 130 problem inspections, 55 or 42% were unlicensed shops. The board's procedure upon discovering an unlicensed shop is to explain cosmetology is a licensed profession in Alabama and to leave an application for licensure with the shop manager. However, unless the unlicensed shop is performing nail services, there is no legal requirement for the shop to become licensed as the definitions of cosmetologist services and the barber services exempted from the cosmetology licensing law are substantially the same.

### **Current Status**

The status of the exemption in the board's governing statutes remains unchanged. The board has introduced a bill in the 2005 legislative session that would have affected the exemption; however, the bill did not succeed at becoming an act. The executive director stated that this condition remains a problem for the board. Of the 59 (of 200) personal licensees who responded to the questionnaire, 11, or 18.6%, believe unlicensed operators and shops to be a significant issue to the profession of cosmetology. Of the 40 (of 100) salon and school owners who responded to the questionnaire, 13, or 32.5%, believe that unlicensed operators and shops are a significant issue to the profession of cosmetology.

### **3. Prior Significant Item**

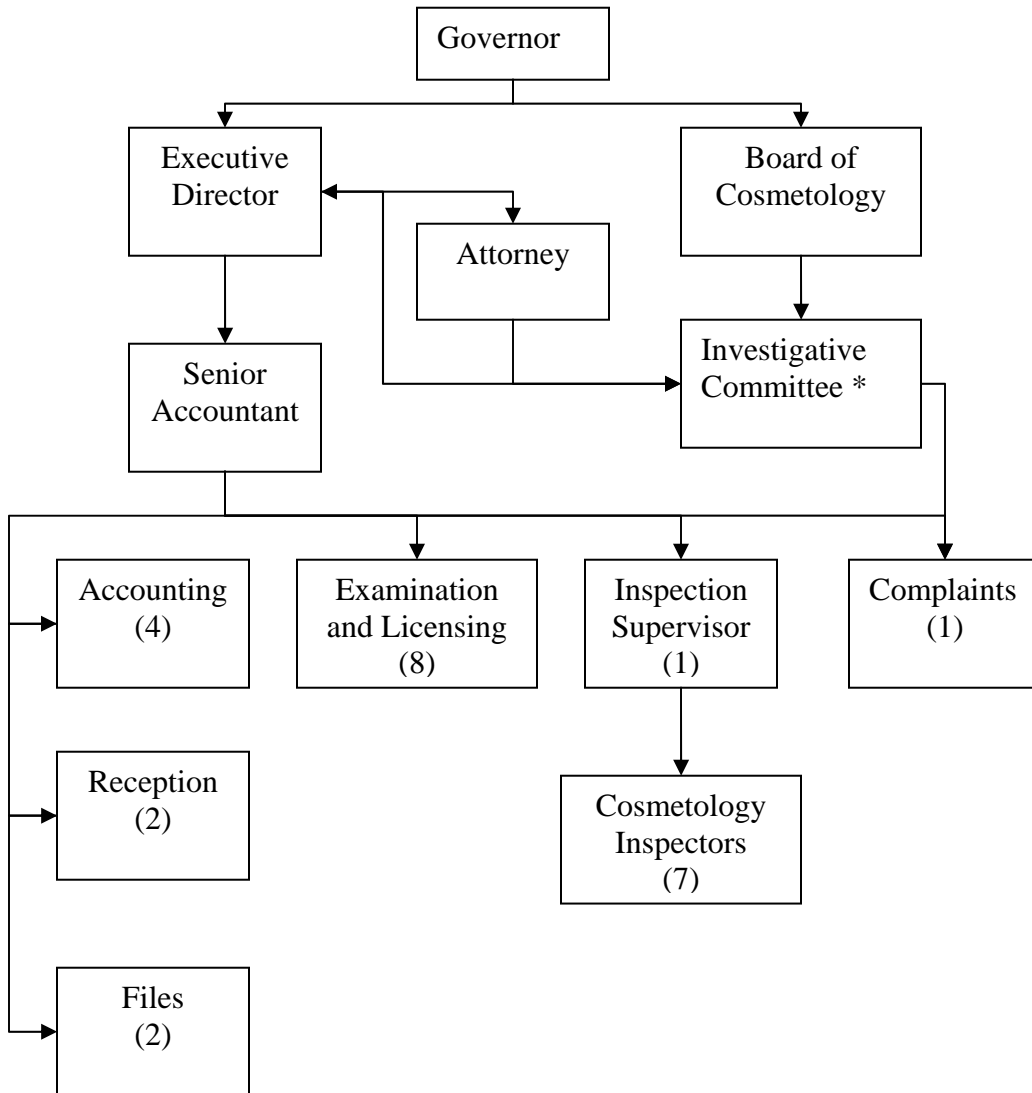
Follow-up of poor salon inspection scores is not timely. A review of low score inspections from 12/2/03 through 8/21/04 showed that of 21 inspections reviewed, re-inspection occurred between 19 and 111 days after the low score inspection. Just over half of re-inspections occurred subsequent to the required 30 days. The condition of untimely re-inspections is not resolved. The chart below shows the occurrence rate of re-inspection:

<b>Time</b>	<b>Number of Inspections</b>
30 or less days	4
31 to 40 days	6
41 to 50 days	2
51 to 60 days	3
61 to 70 days	2
71 to 80 days	2
81 to 90 days	1
91 to 100 days	0
Over 100 days	1
Total	21

### **Current Status**

The board amended rule 250-X-3-.08(5) through proper procedure to increase the amount of time for re-inspection from 30 days to 90 days. The rule was effective September 6, 2005. From a re-inspection register dated 8/29/07, 8 shops had inspection scores of less than 80. **Of the 8 shops, 4 had not been re-inspected within the 90 day requirement.**

## ORGANIZATION



- The investigative committee consists of the executive director, the attorney and one board member

## PERSONNEL

The board presently employs 27 persons. The executive director is appointed directly by the Governor. Monet Gaines of the Attorney General's Office provides legal services for the board.

### Schedule of Employees

Classification	Number of Employees	Race	Gender
Executive Director	1	1 W	1 M
Senior Accountant	1	1 W	1 F
Account Clerk	4	4 W	4 F
ASA III	3	3 W	3 F
ASA II	3	1 W, 2 B	1 M, 2 F
ASA I	7	4 W, 3 B	1 M, 6 F
Clerk	1	1 W	1 F
Cosmetology Inspector	7	6 W, 1 B	7 F
Total	27	21 W, 6 B	3 M, 24 F

Source = Senior Accountant

## PERFORMANCE CHARACTERISTICS

**Number of Licensees per Employee** – 1015

**Total Expenditure per Licensee (2006-2007 Fiscal Year)** –\$65.09

**Number of Persons per Licensee in Alabama and Surrounding States**

State (2)	Population (Estimate) (1)	Number of Licensees	Persons per Licensee
Alabama	4,599,030	27,392	168
Florida	18,089,888	65,563 (3)	276
Georgia	9,363,941	73,229	128
Mississippi	2,910,540	24,000	121
Tennessee	6,038,803	49,531	122

1. U. S. Population Estimates, U. S. Census Bureau ([www.quickfacts.census.gov/qfd/](http://www.quickfacts.census.gov/qfd/))
2. AL—Alabama Board of Cosmetology, Jodi Respass, Senior Accountant  
FL—Florida Department of Business and Professional Regulation, Florida Board of Cosmetology (<http://myflorida.com/dbpr>)  
GA—Georgia State Board of Cosmetology (<http://sos.georgia.gov/plb/cosmetology>)  
MS—Mississippi Board of Cosmetology, Ms. Nelda Luckett, Executive Director  
TN—Tennessee Board of Cosmetology, Ms. Debbie Jean.
3. Incomplete data due to processing license information download from Florida's website.



## **Notification to Licensees of Board Decisions to Amend Administrative Rules**

The board complied with procedures prescribed in the Administrative Procedure Act, which include publication of proposed rules in the Administrative Monthly and public hearings on proposed rules. Licensees are being notified of proposed changes through placement of proposed changes on the board's Internet website and through publication in a non-periodic newsletter.

## **Inspections**

The board performs inspections of booths, salons, and schools:

- Prior to the salon or school opening, as a qualification for receiving its initial license, and
- Periodically, to monitor compliance with Alabama laws and board rules and regulations. Through its SMART budgeting process, the board has set a goal of inspecting all facilities every 8 months. Per the inspection supervisor, the board is currently inspecting facilities approximately every 4 to 6 months.

Inspections Performed per Fiscal Year October 1, 2002 Through August 31, 2007				
2002-03	2003-04	2004-05	2005-06	2006-07
6,136	7,429	7,228	6,078	6,145

Source = Executive Director

To achieve compliance with Alabama laws and board rules and regulations, salons and schools must achieve 80 to 100 points on inspection reports. Facilities receiving a score less than 80 for any violation, except license violations (i.e. late renewal or unlicensed shop) must be re-inspected within 90 days. Any facility receiving a score of less than 80 on its re-inspection within the 90-day period is considered in violation of the laws and regulations of the board and may be subject to disciplinary action as decided by the board, which may include, but not be limited to, a fine of up to \$500.

*Board of Cosmetology Administrative Code*, Rules 250-X-3-.01(1) and 250-X-3-.08(1) and (5),  
*Code of Alabama 1975*, Section 34-7A-15(c).

## **Inspection Process**

Inspections Performed	<p>The inspectors approach and review all shops, including barber and style shops.</p> <p>At barber or style shops:</p> <ul style="list-style-type: none"><li>• The inspector ascertains what services are being offered. If nail services, waxing, or hair weaving are being offered, the shop is offering non-exempt cosmetology services and the shop and workers performing the services must be licensed.</li><li>• If the barber or style shop employs licensed cosmetologists, the <u>licensed cosmetologists</u> are inspected for compliance with laws and rules, including currency and display of license.</li><li>• If the barber or style shop is not performing cosmetology services or employing licensed cosmetologists, then the inspector leaves the shop as is.</li></ul> <p>At a cosmetology, esthetics, or nail shop:</p> <ul style="list-style-type: none"><li>• The inspector reviews the shop and workers for compliance with laws and rules.</li></ul> <p>Once the inspection is complete, the owner or manager signs the inspection report. The inspector gives a copy of the report to the owner or manager and submits the original new report and the prior report to the board's office, along with any other paperwork.</p>
No Violations	<p>Inspection reports and paperwork are returned to the board office. They are reviewed and then entered into the licensing database. Once entered, the report is filed in the facility's permanent license file.</p>

Licensing Violations	<p>If licensing violations are found during the inspection the following actions are taken:</p> <p>Unlicensed Shops:</p> <ul style="list-style-type: none"> <li>• If the salon license is not current or the salon is not registered and is performing cosmetology services, the inspection report is scored with a “0”.</li> </ul> <p>Unlicensed workers:</p> <ul style="list-style-type: none"> <li>• If a shop employs non-current or unlicensed workers, the inspection report is scored with a “0”.</li> </ul> <p>When a shop’s inspection scores a “0” due to licensing issues, it is automatically sent to the executive director’s office for processing as a complaint. (See complaint procedures below.)</p>
Practice Violations	<ul style="list-style-type: none"> <li>• If a cosmetology shop or a cosmetologist is found not to be complying with practice requirements, such as unsanitary surroundings and equipment or using banned equipment or chemicals, the shop is deducted points on its inspection form. If the shop scores below 80 on the inspection form, the shop fails its inspection. The shop is required to correct the violations within 30 days.</li> <li>• Inspectors take random samples of chemicals used in the shops. Samples are sent to the Alabama Department of Environmental Management (ADEM) for testing to identify the chemicals.</li> <li>• Inspection reports where use of banned chemicals is suspected are sent to the executive director’s office to await the results of the ADEM lab test. If the results verify a banned chemical, the inspection report, even if it scores above 80 points, is processed as a complaint for use of banned chemicals. (See complaint process below)</li> <li>• Inspection reports where banned equipment is found, even if the report scores above 80 points, is sent to the executive director’s office to be processed as a complaint, since the equipment is banned from use. (See complaint process below)</li> <li>• At this time, the only banned chemical is methyl methacrylate (MMA). Banned equipment consists of non-nail drills, commonly not over 15,000 rpm and callous razors (also known as credo blades).</li> </ul>

Re-Inspections	<ul style="list-style-type: none"> <li>Practice Violations — The shop is inspected again and receives points based on whether the violations have been corrected. If the score is less than 80, the shop fails its inspection again.</li> </ul> <p>When the re-inspection reports are returned to the office, they are reviewed and entered into the licensure database. If the practice violations have continued, the report is forwarded to the executive director's office where it is filed and handled as a complaint (the board is considered the complainant). See complaint procedures below.</p>
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Cosmetology Administrative Code, Rule 250-X-3-.08(5)  
Source = Inspection Supervisor.

### **Complaints**

The board's complaint and disciplinary process is set forth in its *Administrative Code*, Rules 250-X-1-.01 through 250-X-1-.11. In addition, the *Code of Alabama 1975*, Sections 34-7A-15 through 34-7A-17, contain guidance relevant to the complaint and disciplinary process. A review of a sample of disciplinary files indicates that complaints and any discipline associated with those complaints are being handled according to the board's established procedures and laws. Investigations and discipline determinations are being handled in a timely manner, and administrative fines are being charged in accordance with the board's law.

### **Resolution of Complaints Per Year**

Schedule of Complaint Resolution per Calendar Year From January 13, 2004 Through September 5, 2007						
Complaints Received In		Complaints Resolved In				
		2004	2005	2006	2007	Pending
2004	66	51	13	1	1	0
2005	98	0	52	32	10	4
2006	241	0	0	131	80	31
2007*	242	0	0	0	122	120

\* Through 9/5/2007

Source = Senior Accountant,  
Complaints Data File.

## Complaint Process

Initial Documentation	<ul style="list-style-type: none"> <li>• Complaints must be in writing, signed by the complainant.</li> <li>• Complaints can be faxed, mailed, or e-mailed to the board's office.</li> <li>• A form is provided to download from the board's Internet website, or it can be requested from the office staff. The form itself is not required, so long as the complaint is in writing and identifies the person complaining.</li> <li>• Complaints are logged when received and tracked through the investigation/resolution process.</li> </ul>
Anonymous Complaints	<p>The board does not investigate anonymous complaints. The board's administrative code defines a complaint as a written document signed by the complainant.</p> <p>Cosmetology <i>Administrative Code</i> 250-X-1-.01(3)</p>
Genesis of Complaints	<ul style="list-style-type: none"> <li>• Complaints are received from the public as described above, or</li> <li>• The board has the authority, either through routine inspection or on the basis of information received, to conduct an investigation or inspection and file a complaint against a licensee.</li> </ul> <p>Cosmetology <i>Administrative Code</i> 250-X-1-.01(1) and (2)</p>
Administrative Process	<p>Public Complaints:</p> <ul style="list-style-type: none"> <li>• The complaint is reviewed and entered into the computer system, giving it a number and opening a file folder. The most recent inspection date is reviewed and, depending on the complaint, an inspection may be requested.</li> <li>• An acknowledgement letter is sent to the complainant and to the respondent, who also receives a copy of the complaint.</li> <li>• The complaint is then added to the investigative committee agenda.</li> </ul> <p>Board Complaints:</p> <ul style="list-style-type: none"> <li>• Inspection reports are reviewed and the status of the salon license and the licenses of any person listed on the inspection report is determined. Any sanitation violations are reviewed.</li> </ul>

	<ul style="list-style-type: none"> <li>• <u>If the salon license is not current or if the salon is not registered</u>, a letter is sent to the owner with a new or renewal salon application, whichever is appropriate. The owner is given 15 days to respond. If no response is received, the matter is set for a cease and desist letter (if neither the owner nor the salon is licensed) or hearing (if the owner holds a current license).</li> <li>• <u>If the salon license is current</u>, a 30 day reminder is placed on the report, from the date of inspection. When the 30 days are over, the salon is contacted to see if the violations have been corrected. If they have not been, the matter is added to the investigative committee agenda.</li> </ul>
Investigative Committee	<p>The investigative committee, consisting of the executive director, the board's attorney, and one board member, reviews public complaints and board complaints and makes a recommendation. A recommendation could be a settlement amount (consent order), or a request for a re-inspection or a hearing. The complaint could also be dismissed if the complaint does not fall under the board's regulatory authority or if no probable cause is discovered.</p> <p>At this point, a board complaint is entered into the computer system, a number is assigned, and a folder is opened.</p>
Board Review	<p>The investigative committee's recommendations are presented to the board at its next meeting. The investigative committee board member recuses him- or herself from voting on recommended actions.</p> <ul style="list-style-type: none"> <li>• If the recommendations are sustained, a letter is sent to the owner with the violations listed and the owner is offered a settlement amount. The owner is given 21 days to correct the violation(s) and pay the settlement amount or request a hearing.</li> <li>• If the board rejects the investigative committee's recommendation, the complaint is closed.</li> <li>• If the board requests further investigation, the request is followed through.</li> </ul>
Settlement Accepted by Respondent	<p>If a settlement amount is paid and the acknowledgement section of the letter is signed, the complaint is closed. A letter is sent to the owner stating the complaint is closed.</p>

Settlement Rejected by Respondent	If a settlement amount is not paid, the matter is set for a hearing. Documentation is sent to the board's attorney. The attorney reviews the documentation and requests a date for a hearing and an administrative law judge. If the respondent reconsiders and pays the settlement amount prior to the hearing, the hearing is cancelled and the complaint is closed. A letter is sent to the owner stating the complaint is closed.
Hearing	The hearing is held and adjudicated by an administrative law judge assigned by the Attorney General's office. After the hearing, the judge reviews the transcript and makes a recommendation concerning the complaint. The recommendation is sent to all board members for their information.
Board Approval	The board reviews the administrative law judge's recommendation at the next board meeting. If the next board meeting is more than 30 days past the date of the judge's recommendation, a meeting is called to review the recommendation. The board votes on whether to accept or reject the administrative judge's recommendation. After the board votes, a final order is entered into the board's minutes and sent to the respondent.
Additional Action	If the respondent complies with the board's final order or pays the settlement amount, the case is closed. If the respondent does not comply with the board's final order or pay the settlement amount, a second complaint may be issued and a recommendation of stronger action may be forthcoming, such as license suspension or revocation. Otherwise, the matter may be referred to a local district attorney if the board's counsel believes that is a better course of action.

Cosmetology *Administrative Code*, Chapter 250-X-1  
Source = Complaints secretary

## SMART BUDGETING

*Acts of Alabama*, 2004-50 (HJR89) states, "That all state agencies and entities receiving legislative appropriations are requested to submit to the Joint Legislative Budget Committee budget proposals in performance based budget language and form. This request is applicable for proposals for the 2005-2006 fiscal year to be submitted to the 2005 Regular Session and for each succeeding fiscal year. The Director of Finance is requested to inform each public agency or entity of our desires concerning this matter."

To comply with this request, the Director of Finance implemented a system of budgeting that requires each agency to report its performance, the system to be named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent.

As a part of the SMART Budgeting system, each agency is required to submit its goals and objectives to the Department of Finance – the goals to be stated as long-term, multi-year targets which are to be achieved through accomplishment of stated objectives, which are single-year targets. In order to report progress, the goals and objectives must necessarily be designed so that the agency can measure annual progress toward their achievement. The SMART Budgeting system includes an Operations Plan and a Quarterly Performance Report. The performance report presents information on achievement of an agency's annual objectives, and is the SMART Budgeting report that presents performance information. If an agency has not included at least one objective for each goal, performance relative to that goal will not be reported. For the 2006 fiscal year, each licensing/regulatory agency was required to have at least one goal and one or more objectives directly related to the goal. Additional annual objectives were allowed without corresponding goals.

Among agencies that were not used to reporting performance, we found confusion as to how to design the goals and objectives and how to differentiate between goals and objectives. Routinely we found goals with no directly related objectives. Both goals and objectives were often too abstract to be measurable, and progress toward their achievement could not be meaningfully reported. The Department of Finance is aware of these deficiencies and is taking remedial steps.

In these respects, the Alabama Board of Cosmetology was no exception. Some goals were not accompanied by directly related objectives. Some goals and objectives were abstract, and progress toward their achievement could therefore not be measured and reported.

The board submitted a 2006 Operations Plan and data for the SMART Quarterly Performance Report each quarter. Data was also supplied for the 2007 fiscal year. The board's SMART Operations Plan and Performance Report can be found at <http://www.smartbudgeting.alabama.gov/FormsDownload/Form.aspx>. Goals and projected performance for the year are presented on the Operations Plan. Projected and actual performance toward achievement of objectives for the year is presented on the Performance Report.

The board's performance goals and objectives for the 2006 and 2007 fiscal years and the examiner's comments are presented in the following tables.



<b>2006 AND 2007 *GOALS</b>	<b>COMMENTS</b>
1. To ensure that only qualified people enter the profession	Not measurable. No target from which to determine if the goal is achieved. Not accompanied by a directly related objective. Progress toward achievement was not reported.
2. To inspect all salons and schools within an 8 month cycle	The goal is appropriate. Compliance with standards can be checked and reported through the agency's inspection program. However as there is no accompanying objective, progress toward achievement of this goal was not reported.
3. To minimize illegal practices among professionals	There is no target level of performance from which to determine when the goal is achieved. There is no objective directly related to this goal; therefore, progress toward achievement of this goal was not reported.
4. To complete re-inspects of below average salon scores in compliance with rules.	There is no target level of performance from which to determine when the goal is achieved. There is no accompanying objective to show progress. Progress toward achievement was not reported.

<b>2006 and 2007* OBJECTIVES</b>	<b>2006 REPORTED PREFORMANCE</b>	<b>COMMENTS</b>
1. Unit cost of current licenses increase by no more than 10%	Actual =\$69 (2006) Target = 120 (2007)	There is no stated baseline in the objective from which to determine if the objective was achieved.  There is a large discrepancy between actual unit cost in 2006 and the target for 2007.
2. Reduce or maintain percentage of returned applications based on number of applications received.	Actual =0.4 (2006) Target =.35 (2007)	There is no stated baseline in the objective from which to determine if the objective was achieved.

Source = Board of Cosmetology Smart Budgeting Documents;  
Senior Accountant

\* Smart Budgeting goals and objectives for 2007 were identical to those of 2006.

## REGULATION IN CONJUNCTION WITH OTHERS

The board does not coordinate regulation, licensing, or permitting with any other state or federal agency.

Source = Executive Director

## FINANCIAL INFORMATION

### Schedule of Fees

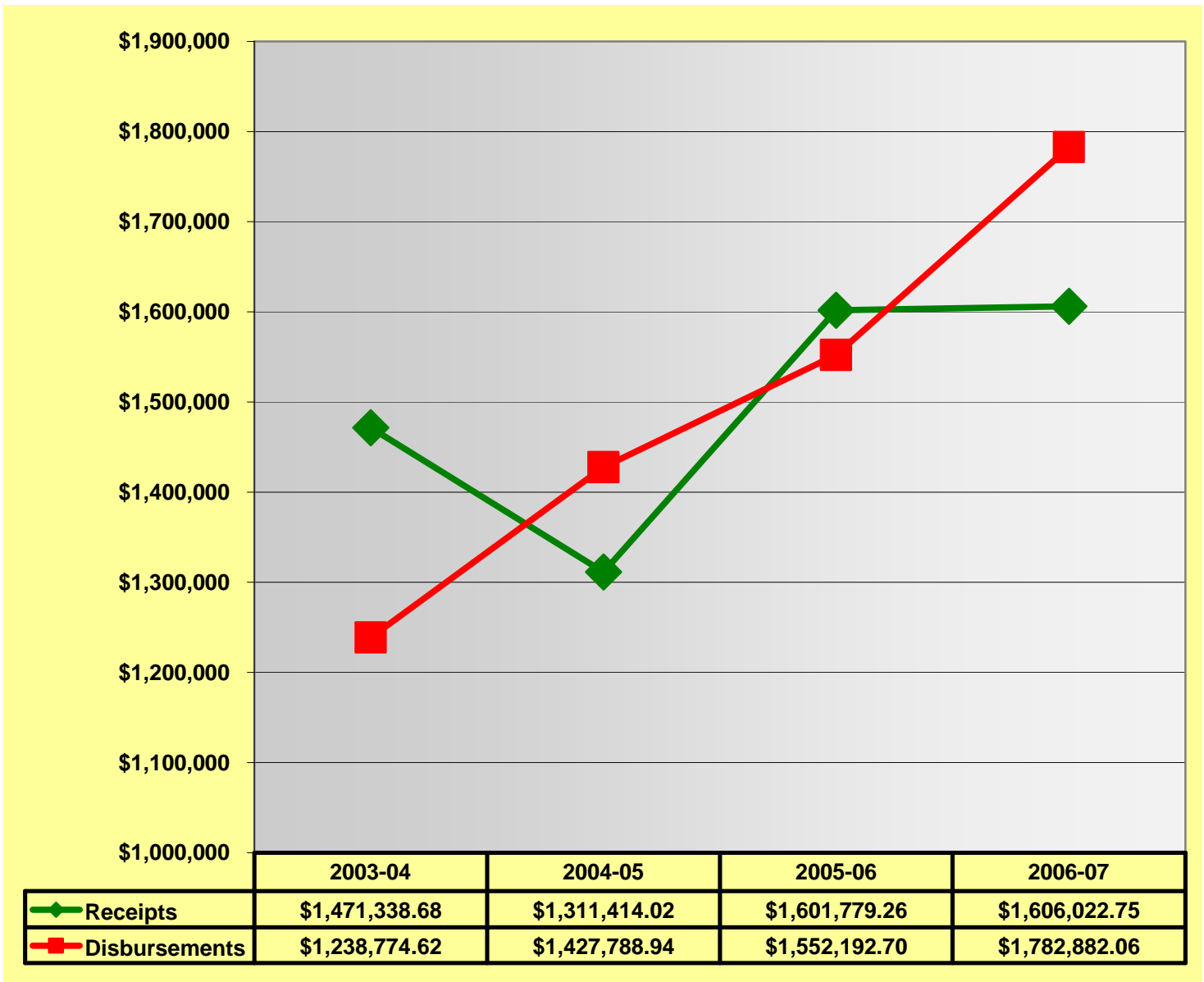
The *Code of Alabama 1975*, Section 34-7A-11, authorizes the board to set fees. Licenses are valid for a two-year period. The following fees have been set.

<u><i>Fee</i></u>	<u><i>Authority</i></u>	<u><i>Amount</i></u>
Written examination fee	34-7A-11	75.00
Practical examination fee	34-7A-11	45.00
Original licensee fee	34-7A-11	15.00
Personal active license renewal fee	34-7A-11	80.00
Personal inactive renewal fee	34-7A-11	35.00
New salon fee	34-7A-11	150.00
If received before September 1 in a renewal year	34-7A-11	100.00
Salon type change	34-7A-11	150.00
Salon relocation to a different county	34-7A-11	150.00
Salon renewal fee	34-7A-11	100.00
Salon name change and/or owner change	34-7A-11	25.00
Salon relocation in same county	34-7A-11	50.00
New booth fee	34-7A-11	80.00
If received before September 1 in a renewal year	34-7A-11	50.00
Booth renewal fee	34-7A-11	80.00
Booth relocation fee	34-7A-11	25.00
New School fee	34-7A-11	300.00
If received before September 1 in a renewal year	34-7A-11	200.00
School renewal fee	34-7A-11	150.00
Reciprocity fee	34-7A-11	100.00
Apprentice fee	34-7A-11	40.00
Apprentice change of master, salon, or both	34-7A-11	25.00
Shampoo assistant original fee	34-7A-11	40.00
Shampoo assistant renewal fee	34-7A-11	40.00
Replacement license fee	34-7A-11	25.00
Duplicate license for instructors	34-7A-11	25.00
License upgrades for manager and master	34-7A-11	15.00
Late fee	34-7A-11	25.00
Administrative fine	34-7A-15	Up to 500.00
E-mail file of licensee mailing list	Cost recovery	60.00
Diskette file of licensee mailing list	Cost recovery	70.00

**Schedule of Operating Receipts, Disbursements, and Balances**  
**October 1, 2003 through September 30, 2007**

	<b>2006-2007</b>	<b>2005-2006</b>	<b>2004-2005</b>	<b>2003-2004</b>
<b><u>Receipts</u></b>				
Cosmetologist Licensing Fees	\$ 1,522,489.70	\$ 1,582,107.18	\$ 1,297,758.91	\$ 1,464,405.10
Licensee Registration Lists	3,380.00	2,380.00	4,040.00	2,965.00
Administrative Penalties	77,675.00	15,875.00	9,300.00	950.00
Bad Check Fees	570.00	1,247.00	240.00	703.00
Reimbursements Not Classified	40.50	170.08	-	175.62
Prior Year Refunds	-	-	-	33.75
Salvaged Equipment	1,867.55	-	75.11	2,106.21
<b>Total</b>	<b>1,606,022.75</b>	<b>1,601,779.26</b>	<b>1,311,414.02</b>	<b>1,471,338.68</b>
<b><u>Disbursements</u></b>				
Personnel Costs	748,309.55	661,079.65	573,800.44	541,882.23
Employee Benefits	335,351.42	274,575.03	250,709.90	205,507.89
Travel In-State	214,795.03	206,479.95	184,774.89	172,296.94
Travel Out-of-State	10,270.66	4,848.38	11,315.85	7,191.19
Repairs and Maintenance	3,126.55	2,007.25	7,197.09	1,424.58
Rentals and Leases	130,413.31	130,143.58	102,996.33	97,728.90
Utilities and Communications	59,538.98	65,466.52	58,657.62	53,300.59
Professional Services	201,058.27	136,892.51	150,306.03	109,378.36
Supplies, Materials and Operating Expense	47,047.18	47,415.55	53,186.20	45,022.60
Trans Equipment Operations	3,605.69	2,194.54	1,103.29	653.36
Trans Equipment Purchases	24,159.36	21,089.74	18,913.75	-
Other Equipment Purchases	5,206.06	-	14,827.55	4,387.98
	<b>1,782,882.06</b>	<b>1,552,192.70</b>	<b>1,427,788.94</b>	<b>1,238,774.62</b>
Excess (Deficiency) of Receipts over Disbursements	(176,859.31)	49,586.56	(116,374.92)	232,564.06
Cash Balances at Beginning of Year	2,803,216.87	2,753,630.31	2,870,005.23	2,637,441.17
Cash Balances at End of Year	2,626,357.56	2,803,216.87	2,753,630.31	2,870,005.23
Reserved for Unpaid Obligations	147,371.83	133,595.54	134,995.56	117,796.13
Unreserved Cash Balances at end of Year	<b>\$ 2,478,985.73</b>	<b>\$ 2,669,621.33</b>	<b>\$ 2,618,634.75</b>	<b>\$ 2,752,209.10</b>

Operating Receipts Vs Operating Disbursements (Chart)



## QUESTIONNAIRES

### Board Member Questionnaire

**Questionnaires were mailed to all 7 of the current board members. Four responded.**

#### **Question #1**

**What are the most significant issues currently facing the Board of Cosmetology, and how is the Board addressing these issues?**

1. "Continuing Education. More detail screening procedures."
2. "The testing place—needs to be better place with air conditioning plus heat. This facility is not adequate."
3. "Thanks to Bob McKee, Executive Director of the Alabama Board of Cosmetology, all significant issues have been addressed and to date the board office and all issues are taken care of in a timely fashion."
4. "People working without a license. Inspectors finding these people. The Board is addressing the matter by fining or closing the shop."

#### **Question #2**

**What changes to the Board's laws are needed?**

1. "Laws concerning barbering and laws that are targeted at unlicensed [shops] rather than unlicensed people in the cosmetology field."
2. "We need to work on the barber law (not one)."
3. "The rules and regulations have been updated and new rules and regulation booklets have been printed. I do wish there was a way we, the Alabama Board of Cosmetology, could help to have a bill written and legislation passed so that Alabama could have a governing board for barbers."
4. "T.B. test no longer needed."

#### **Question #3**

**Is the Board adequately funded?**

3 Yes

1 No

0 Unknown

0 No Opinion

**Question #4**

**Is the Board adequately staffed?**

3 Yes

0 No

0 Unknown

1 No Opinion

- “Again, our Executive Director, Mr. Bob McKee, makes sure that the office is adequately staffed at all times. Mr. McKee is the best Executive Director our Board has had, that I know of. I have been a cosmetology licensee for 35 years.”

**Question #5**

**What is the purpose of your fiscal year end balance of unobligated funds?**

1. “Perhaps for it to rollover for the next fiscal year to be properly distributed as needed. Because I think all through the year things are being adequately taken care of.”
2. “Unknown”
3. “Unobligated funds are carried over to the next fiscal year. Our license renewal happens ever other year in the odd number year.”
4. “They stay in the funds of cosmetology.”

Licensee Questionnaire

Personal Licensees

Questionnaires were mailed to 200 licensees. 59 responded.

**Question #1**

**Is the regulation of your profession by the Alabama Board of Cosmetology necessary to protect the public welfare?**

53 Yes                      2 No                      0 Unknown                      4 No Opinion

- “By a Board not necessarily cosmetology.”

**Question #2**

**Do the laws, regulations, and policies regulating cosmetology in Alabama constitute an unnecessary restriction on the profession?**

16 Yes                      39 No                      4 Unknown                      0 No Opinion

**Question #3**

**Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?**

13 Yes                      36 No                      6 Unknown                      4 No Opinion

**Question #4\***

**Are you adequately informed of changes to the rules and laws concerning the practice of your profession in Alabama?**

37 Yes                      14 No                      6 Unknown                      3 No Opinion

- “No more information on a regular basis.”

**\* 1 person answered both yes and no.**

**Question #5**

**Did the Board perform your licensing and renewal in a timely manner?**

42 Yes                      13 No                      4 Unknown                      0 No Opinion

- “But waiting for the license caused unemployment till it came in. (shampoo asst)”

**Question #6\***

**Do you consider mandatory continuing education necessary for competent practice?**

32 Yes                      20 No                      2 Unknown                      6 No Opinion

- “An operator’s pay scale is based on how good or bad he or she is. If that operator wants a good business and following, it should be up to them to decide how much education they need.”
- “But by skin care professionals not multilevel organizations.”

**\* 1 person answered both yes and no.**

**Question #7**

**Has the Board approved sufficient providers of continuing education to ensure your reasonable access to continuing education hours?**

23 Yes                      16 No                      12 Unknown                      8 No Opinion

- “in nails top notch—in skin hours but not education.”

**Question #8**

**What do you think is the most significant issue(s) currently facing your profession in Alabama? What is the Board doing to address this issue(s)?**

1. “No Opinion”
2. “Laws, rules, and policies need to be updated for currency and for consistency between AL and other state’s boards. I think there needs to be a national board since none of the state boards are consistent. I don’t know what AL is doing to address this issue.”
3. “School”
4. “Sterilization and disinfection.”



5. No response
6. "Infection and STRICT followed sterilization procedures. I do not know what is being done. I do know it is a great concern of John Q. Public."
7. No response
8. "Lack of natural alternative options and education. To my knowledge the Board does not address this at all."
9. "Easier access to continued education on certification. Should be able to use internet to gain credit hours. I am not sure what the Board is doing currently."
10. "Unlicensed barbers, nail salons."
11. "We go to school and pay for our license, active or inactive (which I feel is steep) and our profession in the State of Alabama gets about the same pay and poor, if any, benefits as a minimum wage job. Although I am considered to be an excellent cosmetologist, I choose to work in a factory for better benefits."
12. No response
13. No response
14. "Don't know."
15. "Most issues in Alabama are that so many salons don't have proper requirements and licensee for the business. I am not sure if the Board is doing much about the issues because it can only be done one salon at a time and I'm sure it takes time."
16. "Unlicensed, in home, charging for services—'hair doers'—who have not obtained any necessary licenses, messing up hair that eventually a licensed cosmetologist has to fix and gets all the flack if not perfect. I do know the Board has worked on this issue for years."
17. "Currently, I have been faced with my clients asking if I could give the eye brow waxing. I questioned this with a member of the Board and was told that I have to go back to school to be able to perform this service. However there are foreign nail salons that are performing these services and are not licensed to do so. I was wondering if there was something that I could do to obtain a license without having to attend Cosmetology School for two years just to do eye brow waxing. Currently the Board is not doing anything about my concerns."
18. "People doing hair, no licenses. Supply houses selling to the public."

19. "I think it is wrong for [REDACTED] to sell products we use in our profession to the public. They let the public buy anything in their store."
20. "Clean and health issues."
21. "Unlicensed nail techs that are messing peoples' feet and toenails up. Not being educated in school and using out of date materials. More education on the problem of not being aware of growing fungus in the nail salon. More than the (blue stuff) that is the germicide and disinfectant method. Mandatory meeting all nail technicians in the State once a year or two different times to update on changes in the state laws and education on the importance of good nail and foot care! (No we are not doctors, but we can help with the growing problem that we are helping to make.) Advance education on foot care/pedicure."
22. I think letting new unlicensed cosmetology people perform these duties on paying customers. Unlicensed people that have not been given an OK that they know what they're doing—cutting, perming, coloring and sanitation—most of them still think they're in school and do not use clean instruments—combs, capes, towels—there's no sanitation in most cases."
23. "OK"
24. No response
25. "Unlicensed home hair stylists"
26. "Unknown"
27. "The barbers are getting away with not having rules and regulations as cosmetologists do and the proper education for professional services with chemicals, proper safety rules, etc. The Board as far as I can see is not addressing this issue."
28. "Licensing will hopefully be more timely this year. Also the threat of an \$800 fine is overkill for tardiness of apprentice hours. Its bad enough they don't let hourly credit, but postal service was the cause and we were held accountable."
29. No response
30. No response
31. No response
32. "The old board had more wisdom."

*Licensee Questionnaire*

33. “Renewal of license—It shouldn’t have to be done EVERY 2 years, maybe every 5 years would be more appropriate. The board is doing nothing about this. They see no problem with 2 year renewals.”
34. No response
35. No response
36. “Customers blame our shop for not using feet razor. We follow the Board’s laws, as a result we lost our business because other shops still use it. The Board should do something about it.”
37. No response
38. “I think a lot of these nail salons are not properly sanitizing their items they use both on hands and feet. Some salons for hair do not clean brushes or combs like they should.”
39. “Practicing cosmetology business without a license.”
40. No response
41. “Allowing people to perform services out of their home without proper licensing—no license to practice manicures and pedicures much less a license to offer these services out of a home. This is happening and no one is doing anything about it.”
42. “To me, as a manicurist/nail tech, there is not enough education or classes for advanced techs.”
43. “None”
44. “Unknown”
45. No response
46. “I’ve never understood why cosmetologists pay taxes and can’t draw unemployment. Its time for a change. Some stylists work long hours standing, which will cause health problems. If we have to have surgery and out of work for extended time we can’t collect anything and return to work too soon.”
47. “I think that it’s very unnecessary to have to go back to school if you don’t renew your license, whether its five years or ten. If you went to school to be a doctor or a lawyer you would have to go back to school all over again. One more thing, there backlog system is incompetent.”

48. "No comment"

49. No response

50. "The cost of license is way out. I was told when Riley was elected the cost would go down."

51. No response

52. No response

53. No response

54. "Group health care. The Board has done nothing to my knowledge about acquiring health care."

55. "Everything seems to be running satisfactorily."

56. No response

57. "Unknown?"

58. "I feel the Alabama State Board is unnecessary for my nail shop. I feel it is a way for Alabama to scam for money."

**Question #9\***

**Do you think the Board and its staff are satisfactorily performing its duties?**

35 Yes

8 No

10 Unknown

8 No Opinion

- "Except letting unlicensed people work on paying clients."
- "Questionable"

**\* two people answered both yes and no**

**Question #10**

**Has any member of the Board or its staff asked you for money (other than normal fees), services or any other thing of value in return for performing a Board service for you?**

0 Yes

58 No

0 Unknown

1 No Opinion

Salon and School Owner Licensees

Questionnaires were mailed to 100 licensees. 40 responded.

Question #1

**Is the regulation of your profession by the Alabama Board of Cosmetology necessary to protect the public welfare?**

37 Yes      3 No      0 Unknown      0 No Opinion

- “If handled in the correct manner.”
- “Clients can see cleanliness and businesses don’t last if clients see unsanitary conditions. Inspectors seem to come on Fridays or Saturdays and are a hindrance to our work.”
- “Not as it currently exists. It is more of a hinder than a help. Board should be elected and not appointed. Board should be from cosmetology industry.”

Question #2

**Do the laws, regulations, and policies regulating cosmetology in Alabama constitute an unnecessary restriction on the profession?**

13 Yes      24 No      2 Unknown      1 No Opinion

- “A licensed cosmetologist ought to be competent to do their job anywhere as long as they practice safety and cleanliness procedures.”
- “The extent that some of the inspectors go to is a little extreme. Things can not be in perfect condition and in place on a busy day like Thursday or Friday.”
- “Estheticians in other states only are required to take 600 or 700 hours and our state requires 1500 hours. Some states require 300 hours. This causes undue cost.”
- “Only concerning epidermal leveling. The doctors’ offices are getting a lot of our clients because of this restriction.”

Question #3\*

**Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?**

14 Yes      24 No      2 Unknown      1 No Opinion

- “I believe you should be able to apprentice more than one person at a time with a Master license. People learn better/more as a team instead of a lone student.”
- “Esthetics—undo burden. Nails and cosmetology is fine.”

**\* one answered both yes and no**

**Question #4**

**Are you adequately informed of changes to the rules and laws concerning the practice of your profession in Alabama?**

26 Yes                      11 No                      3 Unknown                      0 No Opinion

- “have to go for master’s license and pay for the course to get updated on these things the pamphlet is not always clear.”
- “Some items were banned in use and we weren’t informed until inspection.”
- “They need to send out notice as soon as the change is made so the cosmetologist knows as soon as possible.”

**Question #5**

**Did the Board perform your licensing and renewal in a timely manner?**

23 Yes                      14 No                      3 Unknown                      0 No Opinion

- “Took 6 months to get license renewal last year.”
- “However, the situation has significantly improved within the last year.”
- “Inspectors and staff are very polite.”

**Question #6**

**What do you think is the most significant issue(s) currently facing your profession in Alabama? What is the Board doing to address this issue(s)?**

1. “Cleanliness – inspections are more regular.”
2. “Sorry! No comment at this time.”
3. “High cost of licenses and strict requirements of passport picture, TB skin test and cashier checks. As long as they take any check would have cleared the banks. They pay too much for building rent and lobbyist that runs our costs up so high for licenses. We don’t really make that much money.”
4. No response

5. "Unlicensed operators. They do regular checks."
6. "Unlicensed individuals practicing in the profession. No license = not qualified, not successfully tested, no demonstration of knowledge to prevent infection to self and public. The Board does vigorously inspect for this problem. Continuing education (minimum of 4 hours) needs to be mandated for all so as to inform of changes with the Board (or a regular newsletter to do the same). Regardless, there still should be mandated CE for all licensees to keep us up on sanitation, disinfection, disease recognition, and prevention. We work with the public. Other states have it and it's available online. What's wrong with us here in 'Bama?"
7. No response
8. "No opinion as of now."
9. "We are not happy with professional products being sold in drugstores, grocery stores, [REDACTED], etc."
10. "Salons working without license—nothing."
11. "Too many barber & style shops are hiring unlicensed stylists and the unlicensed stylists are not being inspected. They are operating with chemicals and are charging prices that licensed stylists charge. There needs to be a law that the State Board should be able to go into the barber & style shops to inspect! Unfair!"
12. No response
13. No response
14. No response
15. "Making sure everyone is licensed. Too many of the same salons are being examined and not enough of the ones with unlicensed workers. My salon has been examined sometimes 3 times in a year and there are some with no visit."
16. "Returning material in a timely manner."
17. "There is no representation on the Board for estheticians."
18. No response
19. "Small shops in small towns cannot compete with larger ones where it comes to maintenance. We simply don't make enough money to hire outside help for little nit-picky issues."

20. "No issues—perfect."
21. "I think all beauty salons, whether barber or style shops should be under our law. It is not fair that they can give the same services but are not regulated by the board."
22. "Just the fact that we get charged a penalty for being late with our licensing fee but the board talks almost 9 months to get our license back to us."
23. "So many hair dressers are doing clients at their home."
24. "There is no representation for estheticians on the board."
25. "Not licensed and sanitation."
26. "Unlicensed people performing poor services or not following sanitation rules. I think the board is trying to inspect more, which is key."
27. "Barber licenses being bought at a county court house. The board is actively trying to stop this."
28. "Unlicensed operators and unapproved items being used. They are passing laws but enforcing them is an issue."
29. No response
30. "Non-licensed cosmetologists."
31. No response
32. "Too much attention to little things and no attention to overall improvement of the industry"
33. "Letting some salons get away with stuff, sanitation especially, and not really checking to make sure everyone working in a salon is licensed. I think that apprenticeships should be done away with."
34. "To enforce the rules to the shops for the ones that need to follow the rules."
35. "The board places too much emphasis on administrative issues rather than the practical aspects of cosmetology. Inspections don't differentiate between minor discrepancies and serious problems, for example, a used buffer found in an unattended station results in the deduction of 7 points as does a facility where all technicians are using used buffers. In reality there are varying degrees of discrepancies; yet, the inspection report items are either all or none!"



36. "The problem I have, I work alone now, but I've had girls work for me before. It is the way they dress. Hot pants, short skirts, skimpy shirts. I wish you would put us back in uniforms like it used to be. We would certainly look more professional. Please consider this. I have wished for years that you would ask us to wear uniforms. There are too many young girls dressing inappropriately. It takes away from our profession."
37. "Too many hours required for students and instructors for esthetics. The requirements for instructors are so onerous—there are probably less than 8 licensed esthetic instructors in the state that are actual estheticians."
38. "A lot of booth renters not paying their taxes. The board should make sure the local government knows they are doing business in their home or booth renting."
39. "Not aware of the issues on/at hand at this time."
40. "Inspection of salons to stop the non-licensed people from performing services to the public. They are trying hard to enforce the law."

**Question #7**

**Do you think the Board and its staff are satisfactorily performing its duties?**

28 Yes                      7 No                      4 Unknown                      1 No Opinion

- "Can't get them on telephone either if you call. Took me 6 months to get my last salon license and I had to call them to get it."
- "Not being timely and up-to-date with our paperwork."
- "The administrative staff—yes. The executive Director--?"
- "They should understand (if they themselves have ever worked in a shop, they would) that Thursday and Friday are busy. We are trying to satisfy as many people in a timely manner, as we can. Sometimes you have to wait to get straightened up instead of taking a break."
- "My only complaint is stated above."
- "They are getting better but they don't inspect often enough and licenses are too slow at being renewed and returned."
- "That would depend on what their duties are. I'm sure they are performing according to duties that they have set for themselves."
- "They need to recheck the shops that fail or are close to failure of grade to see they have done what they are supposed to do."
- "The board keeps issuing new rules without first attempting to obtain pros and cons from cosmetology owners and operators. When queried if new rules were based on complaints and problems submitted by clients, the reply is in the negative. So, if it isn't broken, why fix it?"
- "So far, they are friendly and helpful. I appreciate their help."

**Question #8**

**Has the Board inspected your facility in the past two years?**

39 Yes

1 No

0 Unknown

0 No Opinion

- “Two or three times”

**Question #9**

**Has any member of the Board or its staff asked you for money (other than normal fees), services or any other thing of value in return for performing a Board service for you?**

0 Yes

40 No

0 Unknown

0 No Opinion

- “They act ethically.”

**Additional Comments:**

- “They need to check shops more often. Thank you.”
- “Please consider uniforms!”

Complainant Questionnaire

Questionnaires were mailed to 58 complainants. 23 responded.

**Question #1\***

**How was your complaint filed with the Board of Cosmetology? By:**

18 Mail, 11 Fax, 3 Phone 2 Other 0 Unknown

\* Some respondents selected more than one category.

**Question #2**

**Was receipt of your complaint promptly acknowledged?**

21 Yes 1 No 1 Unknown

If yes, how long after you filed your complaint were you contacted by the Board?

1 Immediately 6 Within 10 days 2 Within 20 days  
4 Within 30 days 6 Over 30 days 4 Unknown

- “We had to phone them.”

**Question #3**

**Was the employee who responded to your complaint knowledgeable and courteous?**

2 Knowledgeable 6 Courteous 7 Neither 6 Both  
2 Unknown

- “No interest in problems or toward resolving.”
- “They called late at night!”

**Question #4**

**Did the Board communicate the results of investigating your complaint to you?**

13 Yes 10 No 0 Unknown

- “No details”

**Question #5**

**Do you think the Board did everything it could to resolve your complaint?**

4 Yes

13 No

6 Unknown

**Question #6**

**Were you satisfied with your dealings with the Board?**

5 Yes

14 No

4 Unknown

**Additional Comments:**

“This outlook simply served to embarrass the reporting party. The violators received a copy of my complaint. I did not receive their response. The board gets a zero vote of confidence. I expect retaliation from the board for responding to your questionnaire.”

“An unlicensed person performed 2 salt glows and a microderm abrasion that were not even close to what they were supposed to be. The person was only in an apprentice nail program. The response I received from the Board was, “We don’t reimburse!” I didn’t ask the Board to reimburse me. Where was the investigation into why this person is performing these services without a license? Isn’t that against the law? I was told by several people that the owner has “connections” with the board and that no amount of complaining will help. I guess all of those people were correct. Nothing was done to the person or the owner. And what kind of response was, “We don’t reimburse?” “We can’t give your money back even though you didn’t ask and we could care less if an unlicensed person is performing these kinds of services.” We live in Tennessee and my hair dresser friends here say that the Tennessee Board of cosmetology would not allow this to happen. I wish my experience with the Board had been more professional, one way or the other, or even had made better sense.”

“Never heard back. It was one year in June.”

“I thought you had a right to see a business license and individual license! I guess not! Even though the county sheriff always said to check for business license before doing business. At first they said because she called the police to me about asking for proof of license they would be there the next day. They didn’t go till two or 3 weeks later!”

“The thing that really got me is when I realized I had fungus, which I never had before and I’ve been getting my nails done for over 20 years. I saw a hole at the base of my nail and I went there to show them and the person who did it and they really didn’t seem to give a flip. That’s what did it besides the hole which was fungus—it ate my nail and

### *Complainant Questionnaire*

underneath my nail and there was a hole that went all the way through. Well I get hold of [illegible] because it wasn't getting better, but worse, and still I think they should have checked them out better to see how well they clean their equipment because they don't sterilize their equipment properly. I used to get them done at [REDACTED] but I live in [REDACTED] now and started getting them done there after the [REDACTED] [REDACTED] were took off after getting them done at [REDACTED] [REDACTED] is when I noticed the problem with my nail. Thank God my granddaughter knew what to use it was something to kill the fungus and using it everyday I killed it and the hole healed and the nail grew back."

# APPENDICES

## Smart Budgeting Reports

### 2005-06 Smart Budget Operations Plan

State of Alabama	ALABAMA BOARD OF COSMETOLOGY			Agency No. 308
EBO Form No. 4b	FY 2005-2006 SMART OPERATIONS PLAN			Page 1 of 1
		ACTUAL	BUDGET	BUDGET
		FY 04	FY 05	FY 06
<b>MISSION</b>	To protect the health of the public by licensing and regulating the practice of cosmetology.	1,242,907	1,996,217	2,179,039
	(Ala. Code 34-7A-3 to 34-7A-25)			
	Governor's Priorities: No. 5			
<b>VISION (Optional)</b>	Proper statewide licensure and regulation of all professionals in cosmetology, barbering and related fields.			
<b>VALUES (Optional)</b>	<b>RAIT</b>			
	Responsiveness			
	Adaptability			
	Integrity			
	Teamwork			
<b>GOAL(S)</b>	1. To ensure that only qualified people enter the profession.			
	2. To inspect all salons and schools within an 8 month cycle.			
	3. To minimize illegal practices among professionals.			
	4. To complete reinspects of below average salon scores in compliance with rules.			
<b>WORKLOAD</b>	1. Number of inspections will rise by 1% annually.	7,429	7,500	7,575
	2. Number of licenses issued will remain unchanged.	20,101	15,640	20,101
	3. Number of fines collected from investigations will remain unchanged.	24	24	24
	4. Number of examinations given to students will remain unchanged.	1,729	1,600	1,635
<b>STRENGTHS</b>	1. The staff's abilities and industry.			
	2. The inspectors' abilities to lead practitioners into compliance.			
<b>WEAKNESSES</b>	1. The licensing database is inadequate for tracking licensees.			
	2. Excessive volume of paperwork.			
	3. Weak computer skills of some staff personnel.			
<b>CRITICAL ISSUES</b>				
<b>INTERNAL</b>	Update pertinent information to licensees regarding Cosmetology Rules and Regulations.			
<b>EXTERNAL</b>	Barber exemption to the Cosmetology law is too broad.			
	Legislative mandates.			
<b>OBJECTIVES</b>				
<b>Spending</b>	Increase spending by no more than 10%.	1,242,907	1,996,217	2,179,039
<b>Staffing</b>	Maintain an adequate full-time FTE staff.	39	30	39
<b>Efficiency</b>	Unit cost of current licenses increase by no more than 10%.		75	82
<b>Quality</b>	Reduce or maintain percentage of returned applications based on number of applications received.		45%	35%
<b>STRATEGIES</b>	1. Install new licensing and complaint tracking system.			
	2. Create a web-based renewal processing to include payment of fees by credit card.			
	3. Propose legislation to change exemptions in the cosmetology law.			
<b>FOOTNOTE:</b>	Licensing renewals are every odd year. This will cause a fluctuation in above figures from year to year.			

# 2005-06 Smart Budget Performance Report

Smart Quarterly Performance Report												
Fiscal Year: 2006												
Agency: 308 Cosmetology, Alabama Board												
Org:												
Program: 653 PRO AND OCCU LICENSING AND REG												
Activity: 0453 COSMETOLOGY LICENSING & REG												
Performance Measures												
Workload/Cost Factor	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
WC1: Number of inspections will increase by 1% annually.	No. inspections	1,705	1,544	2,040	1,375	2,020	1,437	1,810	1,722	7,575	6,078	
WC2: Number of licenses issued will remain unchanged.	No. licenses	9,403	4,301	5,675	6,934	2,713	6,657	2,310	3,870	20,101	21,762	
WC3: Number of fines collected.	No. fines	6	5	6	16	6	1	6	20	6	42	
WC4: Number of examinations given to students will remain unchanged.	No. exams	301	343	471	408	423	370	440	401	1,635	1,520	
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
SP1: Increase spending by no more than 10%.	Dollars	655,769	382,423	498,954	344,882	577,890	431,732	446,426	339,336	2,179,039	1,498,433	
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
ST1: Maintain adequate full-time staff.	Number	39	31	39	32	39	31	39	33	39	33	
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
EF1: Unit cost of current licenses increase by no more than 10%.	Dollars	82	89	82	50	82	65	82	87	82	69	
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
QU1: Reduce or maintain percentage of returned applications.	Percentage	0.35	0.4	0.35	0.4	0.35	0.4	0.35	0.4	0.35	0.4	
Item #	Notes											
WC2: Licensing renewals are every odd year which causes a fluctuation in figures from year to year.												
SP1: Licensing renewals are every odd year which causes a fluctuation in figures from year to year.												
EF1: Licensing renewals are every odd year which causes a fluctuation in figures from year to year.												
QU1: Licensing renewals are every odd year which causes a fluctuation in figures from year to year.												
How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2005-06 affected your agency in meeting its desired accomplishments and services?												
The legislature's failure to address remedial legislation means that we continue to suffer from the over-broad exemption for barbers.												
What administrative improvements did your agency make in fiscal year 2005-06 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.												
1. We are in the process of totally re-working our web site and adding on-line renewal and also on-line license verification.												
2. We are in the process of outsourcing licensure exams.												
3. We hope to make appropriate changes in legislation and administrative rules.												

## 2006-07 Smart Budget Operations Plan (page 1)

State of Alabama  
EBO Form 4B

### 2007 SMART Operations Plan

Wednesday, February 14, 2007  
Page 1

<b>Agency/ Org</b>	308 - Cosmetology, Alabama Board
<b>Organization</b>	-
<b>Program</b>	653 - PRO AND OCCU LICENSING AND REG
<b>Activity</b>	-

<b>Mission</b>	To protect the health of the public by licensing and regulating the practice of cosmetology.
<b>Vision</b>	Proper statewide licensure and regulation of all professionals in cosmetology, barbering, and related fields.
<b>Values</b>	RAIT = Responsiveness, Adaptability, Integrity, and Teamwork

#### Goals

- G1: To ensure that only qualified people enter the profession. (GP-5)
- G2: To inspect all salons and schools within an 8 month cycle. (GP-5)
- G3: To minimize illegal practices among professionals. (GP-5)
- G4: To complete reinspects of below average salon scores in compliance with rules. (GP-5)

#### Critical Issues

**Internal** ICI1: Update pertinent information to licensees regarding Cosmetology Rules and Regulations. ()

**External** ECI1: Barber exemption to the Cosmetology law is too broad. ()

**External** ECI2: Legislatvie mandates. ()

#### Strategies

- 1). Install new licensing and complaint tracking system. (G3)
- 2). Create a web-based renewal processing to include payment of fees by credit card. (G1)
- 3). Propose legislation to change exemptions in the cosmetology law. (ECI1)



## 2006-07 Smart Budgeting Operations Plan (page 2)

State of Alabama  
EBO Form 4B

### 2007 SMART Operations Plan

Wednesday, February 14, 2007  
Page 2

Workloads							Performance Indicator	
Number of inspections will rise annually.							Number	
FY 07 Projected: 8,000							FY 07 Target: 6,380	
FY07 Quarterly Projections:	1 st Qtr:	1700	2nd Qtr:	1500	3 rd Qtr:	1580	4 th Qtr:	1600
Number of licenses issued will remain unchanged.							Number	
FY 07 Projected: 20,000							FY 07 Target: 20,000	
FY07 Quarterly Projections:	1 st Qtr:	4280	2nd Qtr:	6900	3 rd Qtr:	6620	4 th Qtr:	2200
Number of fines collected from investigations will remain unchanged.							Number	
FY 07 Projected: 24							FY 07 Target: 28	
FY07 Quarterly Projections:	1 st Qtr:	5	2nd Qtr:	10	3 rd Qtr:	7	4 th Qtr:	6
Number of examinations given to students will remain unchanged.							Number	
FY 07 Projected: 1,700							FY 07 Target: 1,650	
FY07 Quarterly Projections:	1 st Qtr:	350	2nd Qtr:	400	3 rd Qtr:	375	4 th Qtr:	525

Objectives							Performance Indicator		
Spending	Increase spending by no more than 10%.						Percent Budget		
FY 07 Projected:		0.097		FY 07 Target:		2,410,592			
FY07 Quarterly Projections:	1 st Qtr:	739417	2nd Qtr:	567926	3 rd Qtr:	576326	4 th Qtr:	526923	
Staffing		Maintain an adequate full time staff.						Number	
FY 07 Projected:		42.6		FY 07 Target:		42.6			
FY07 Quarterly Projections:	1 st Qtr:	42.60	2nd Qtr:	42.60	3 rd Qtr:	42.60	4 th Qtr:	42.60	
Efficiency		Unit cost of current licenses increase by no more than 10%.						Dollars	
FY 07 Projected:		90.28		FY 07 Target:		120			
FY07 Quarterly Projections:	1 st Qtr:	120	2nd Qtr:	120	3 rd Qtr:	120	4 th Qtr:	120	
Quality		Reduce or maintain percentage of returned applications based on number of applications received.						Percentage	
FY 07 Projected:		0.35		FY 07 Target:		0.35			
FY07 Quarterly Projections:	1 st Qtr:	.35	2nd Qtr:	.35	3 rd Qtr:	.35	4 th Qtr:	.35	

Source of Funds			
Fund Code	Fund Name	Requested FY 07	Budgeted FY 07
0357	Cosmetology Board	\$2,390,273	\$2,410,592
Total of all Funds Listed Above:		\$2,390,273	\$2,410,592

# 2006-07 Smart Budgeting Performance Report

Smart Quarterly Performance Report												
Fiscal Year: 2007												
Agency: 308 Cosmetology, Alabama Board												
Org:												
Program: 653 PRO AND OCCU LICENSING AND REG												
Activity:												
Performance Measures												
Workload/Cost Factor	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
WC1: Number of inspections will rise annually.	Number	1,700	1,460	1,500	1,965	1,580	1,654	1,600	0	6,380	0	0
WC2: Number of licenses issued will remain unchanged.	Number	4,280	2,004	6,900	5,208	6,620	5,443	2,200	0	20,000	0	0
WC3: Number of fines collected from investigations will remain unchanged.	Number	5	51	10	39	7	49	6	0	28	0	0
WC4: Number of examinations given to students will remain unchanged.	Number	350	501	400	385	375	253	525	0	1,650	0	0
Spending	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
SP1: Increase spending by no more than 10%.	Percent Budget	739,417	448,373	567,926	413,690	576,326	474,025	526,923	0	2,410,592	0	0
Staffing	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
ST1: Maintain an adequate full time staff.	Number	42.6	34	42.6	35	42.6	35	42.6	0	42.6	0	0
Efficiency	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
EF1: Unit cost of current licenses increase by no more than 10%.	Dollars	120	223	120	79	120	87	120	0	120	0	0
Quality	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
QU1: Reduce or maintain percentage of returned applications based on number of applications received.	Percentage	0.35	0.27	0.35	0.16	0.35	0.15	0.35	0	0.35	0	0

## Statutory Authority

### **CHAPTER 7A. ALABAMA BOARD OF COSMETOLOGY.**

#### **§ 34-7A-1. Definitions.** *Current through End of 2006 Regular Session.*

For the purposes of this chapter, the following words and phrases shall have the following meanings:

(1) Apprentice cosmetologist. Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a licensed cosmetology salon under the direction of a master or instructor cosmetologist.

(2) Apprentice esthetician. Any person who is engaged in the learning or acquiring of any or all practices of an esthetician and, while so learning, performs or assists in any of the practices of skin care in a licensed esthetician salon or cosmetology salon under the direction of a master or instructor esthetician, or master or instructor cosmetologist.

(3) Apprentice manicurist. Any person who is engaged in the learning or acquiring of any or all practices of manicuring and, while so learning, performs or assists in any of the practices of manicuring in a licensed manicurist salon or cosmetology salon under the direction of a master or instructor cosmetologist or master or instructor manicurist.

(4) Board. The Alabama Board of Cosmetology.

(5) Booth rental. The practice of renting space within an established cosmetology salon to a sole proprietor as a legally separate business entity. A booth renter shall be a managing or master cosmetologist.

(6) Cosmetologist. Any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for compensation, and who shall have the qualifications and licensing hereinafter provided for a cosmetologist.

(7) Cosmetologist instructor. A cosmetologist who teaches cosmetology, or any practices thereof, in a duly registered school of cosmetology.

(8) Cosmetologist student instructor. A cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.

(9) Cosmetology. Any one or a combination of practices generally and usually performed by, and known as the profession of beauty culturists, cosmeticians, cosmetologists, hairdressers, or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of this chapter in and upon whatever place or premises; and in particular shall include, but otherwise not be limited thereby, to the following or any one or a combination of practices: arranging, dressing, curling, waxing, weaving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, exercising, beautifying, or similar work on the scalp, face,

neck, arms, legs, feet, hands, bust, or upper part of the body, or manicuring the nails of any person or adding nail tips, extensions, gels, or other articles to nails, or performing desaiology, the art and science of dressing and arranging the hair, nails, and clothing of the deceased.

(10) Cosmetology salon. Any place wherein cosmetology or any of its practices are followed, whether the place is known or designated as a cosmetician, cosmetological, or cosmetology salon or establishment or whether the person practicing cosmetology holds himself or herself out as a cosmetician, cosmetologist, or beauty culturist, or by any other name, or designation indicating that cosmetology is practiced therein. A cosmetology salon shall have a managing or master cosmetologist on duty five days a week.

(11) Cosmetic studio. Any place where a demonstrator performs demonstrations for the advertisement or sale of cosmetics.

(12) Credit unit hours. One credit unit hour equals one and one-fourth clock hours. A sufficient number of credit unit hours is necessary to provide a standardized curriculum in the practice of cosmetology and related practices regulated by the board.

(13) Demonstrator. A person, not licensed in this state as a cosmetologist or cosmetologist instructor, who performs demonstrations for the advertisement or sale of cosmetics by physically applying cosmetic preparations to the hair or body of another person.

(14) Esthetician. Any person, not an apprentice or a student, who engages in any of the following specialized practices generally recognized in the field of cosmetology: skin care, make-up artistry, facials, and body waxing.

(15) Esthetician instructor. An esthetician who teaches skin care or any practices thereof in a duly registered school of cosmetology or school for estheticians.

(16) Esthetician salon. Any place, not a cosmetology salon, wherein skin care or any of its practices are followed. An esthetician salon shall have a managing or master cosmetologist or managing or master esthetician on duty five days a week.

(17) Esthetician student instructor. An esthetician who is receiving instruction in teacher's training in skin care in a duly registered school for estheticians or school of cosmetology.

(18) Managing cosmetologist. A cosmetologist who manages or conducts a cosmetology salon or school of cosmetology.

(19) Managing esthetician. Any person who manages or conducts an esthetician salon.

(20) Managing manicurist. Any person who manages or conducts a manicurist salon.

(21) Manicurist. Any person, not an apprentice or a student, who engages only in the practice of manicuring, adding nail tips, extensions, gels, or otherwise grooming the nails of another person.

(22) Manicurist instructor. A manicurist who teaches nail care or any practices thereof in a duly registered school of cosmetology or school of manicuring.

(23) Manicurist salon or nail salon. Any place, not a cosmetology salon, wherein manicuring or any of its practices are followed. A manicurist salon shall have a managing or master cosmetologist or managing or master manicurist on duty five

days a week.

(24) Manicurist student instructor. A manicurist who is receiving instruction in teacher's training in nail care in a duly registered school of manicuring or school of cosmetology.

(25) Master cosmetologist. A managing cosmetologist who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master cosmetologist license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(26) Master esthetician. A managing esthetician who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master esthetician license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(27) Master manicurist. A managing manicurist who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master manicurist license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(28) Place of cosmetology. A place where cosmetology is practiced on members of the public for compensation and a place where cosmetology is taught to student apprentices.

(29) School for estheticians. Any place wherein only skin care or any of its practices are taught, whether the place is known, operated, or designated as a school for estheticians, or otherwise, indicating that skin care is taught therein to students.

(30) School of cosmetology. Any place wherein cosmetology or any of its practices are taught, whether the place is known, operated, or designated as a cosmetician or cosmetological school or establishment, or otherwise, indicating that cosmetology is taught therein to students.

(31) School of manicuring. Any place wherein only manicuring or any of its practices are taught, whether the place is known, operated, or designated as a school of manicuring, or otherwise, indicating that manicuring is taught therein to students.

(32) Shampoo assistant. Any person who is licensed as a shampoo assistant, meets all of the requirements for a health certificate, and engages only in the practices of shampooing, cleaning, or applying temporary weekly color rinses to the hair of any person.

(33) Student cosmetologist. Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school of cosmetology under the instruction or immediate supervision of an instructor cosmetologist.

(34) Student esthetician. Any person who is engaged in the learning or acquiring of any or all practices of an esthetician and, while so learning, performs or assists in any of the practices of skin care in a school for estheticians or school of cosmetology under the instruction or immediate supervision of an instructor esthetician or instructor cosmetologist.

(35) Student manicurist. Any person who is engaged in the learning or acquiring

of any or all practices of manicuring and, while so learning, performs or assists in any of the practices of manicuring in a school of manicuring or school of cosmetology under the instruction or immediate supervision of an instructor manicurist or instructor cosmetologist.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-2. Penalties.** *Current through End of 2006 Regular Session.*

Any person who practices, maintains a school, maintains a salon, or acts in any capacity without a certificate or license when one is required pursuant to this chapter, or who otherwise violates any provision of this chapter, shall be guilty of a misdemeanor and fined no more than five hundred dollars (\$500) or imprisoned for no more than 90 days, or both. Any corporation which acts in violation of any provision of this chapter shall be punished by a fine of no more than one thousand dollars (\$1,000).

(Act 99-345, p. 478, § 3.)

**§ 34-7A-3. Board of Cosmetology.** *Current through End of 2006 Regular Session.*

(a) There is created the Alabama Board of Cosmetology which shall consist of seven persons appointed by the Governor, with the advice and consent of the Senate. The seven members shall consist of the seven members of the existing Board of Cosmetology. One member shall be appointed from each congressional district, as those districts are constituted on June 3, 1999. At least five of the members of the board shall be active licensed master cosmetologists or instructor cosmetologists who reside in the district he or she represents and two of the members may be consumers. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The terms of all current members of the board shall continue upon June 3, 1999, and the seven-person board as constituted on that date shall continue as the board under this chapter. As terms expire, successor board members shall be appointed by the Governor, with the advice and consent of the Senate. All appointments shall be for a term of four years. No person shall serve for more than two terms on the newly-constituted board. Vacancies on the board shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired terms. Any board member may be removed by the Governor for just cause.

(c) Any cosmetologist serving as a member of the board shall have at least five years of practical experience in the majority of the practices of cosmetology.

(d) The board may do all things necessary and convenient for enforcing this chapter. The board may from time to time promulgate necessary rules and regulations compatible with this chapter. The board shall compile and publish all rules and regulations, together with a copy of this chapter, and distribute the same to all licensees. Any amendment to this chapter or the rules and regulations of the board shall be published by the board and distributed to all licensees. Distributed copies shall be retained in each salon or school licensed by the board and shall be made available for inspection by salon or school personnel and the general public during normal operating hours.

(e) The board shall establish the recommended number of credit unit hours, including all phases necessary to produce competent practitioners, in each profession regulated by the board. The board shall also promulgate guidelines for approved seminars of continuing education.

(f) All rules and regulations promulgated by the board prior to June 3, 1999, are

repealed. The board shall adopt rules and regulations pursuant to the Administrative Procedure Act, Chapter 22 of Title 41, to implement this chapter.  
(Act 99-345, p. 478, § 3.)

**§ 34-7A-4. Board -- Officers, personnel.** *Current through End of 2006 Regular Session.*

(a) The members of the board shall annually elect from among their membership a president, a secretary, and a treasurer. The board members, before entering upon the discharge of their duties, shall each file with the State Treasurer a good and sufficient bond in the penal sum of five thousand dollars (\$5,000), payable to the state to insure the faithful performance of his or her duties. The premium on the bond shall be paid out of the funds of the board. The bond, with the approval of the board and oath of office endorsed thereon, shall be deposited and kept within the office of the Secretary of State. The treasurer of the board shall file with the State Treasurer a good and sufficient bond in the penal sum of twenty-five thousand dollars (\$25,000), payable to the state to insure the faithful performance of his or her duties as treasurer. The premium on the bond shall be paid out of the funds of the board.

(b) The position of executive director shall be appointed by the Governor in the unclassified service as provided for in Section 36-26-10. The executive director serving on June 3, 1999, unless appointed by the Governor on or after January 17, 1999, shall vacate his or her office immediately upon the Governor appointing an executive director to that position pursuant to this subsection. Vacancies in the position of executive director shall be filled by appointment of the Governor. The executive director shall serve at the pleasure of the Governor. The executive director shall hire all necessary employees of the board, subject to the state Merit System.

(c) Additional personnel may be employed by the board, with the approval of the executive director. A minimum of eight inspectors shall be employed by the board. Inspectors shall be paid the same mileage and per diem rate as other state employees. The compensation of personnel shall be paid out of the funds received by the board. The board shall establish job descriptions and duties for each employee, consistent with Merit System employee guidelines of the State Personnel Board.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-5. Board -- Compensation, etc.** *Current through End of 2006 Regular Session.*

Each member of the board shall be paid one hundred dollars (\$100) per day for transaction of board business, not to exceed 50 days during any calendar year. The board members shall also be paid the same mileage and per diem rate as other state employees from funds received by the board. Monies deposited in the State Treasury for the benefit of the board, shall be disbursed only upon warrant of the state Comptroller upon the State Treasury, upon itemized vouchers signed by the president and treasurer of the board or their authorized designees. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the State Treasury for the use of the board.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-6. Board -- Meetings.** *Current through End of 2006 Regular Session.*

The board shall meet at such times and places as a majority of the members shall agree upon. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its governance and shall adopt an official seal for the authentication of board transactions.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-7. Application for examination or licensure.** *Current through End of 2006 Regular Session.*

(a) Any person who desires to engage in any of the practices regulated by the board pursuant to this chapter shall file with the board a written application for examination or licensure. The application shall be accompanied by a certificate of health, verified by a licensed physician, specifying the dates and results of chest X-rays or skin tests performed during the year immediately preceding application. An application for examination shall include the payment of a nonrefundable fee for each examination or reexamination of an applicant.

(b) Examination of an applicant for licensure shall be conducted pursuant to a procedure prescribed by the board. The procedure shall not be confined to any specific system or method and examinations shall be consistent with the prescribed curriculum for schools.

(c) Any applicant who fails the state board examination on the first attempt may have his or her temporary permit extended until the next scheduled examination. Any applicant who fails the state board examination on the second attempt shall complete an additional 375 clock hours in the appropriate school or complete an additional 600 clock hours of training in the appropriate salon or shop before a third attempt is permitted. Any student instructor who fails the examination on two attempts shall complete an additional 650 clock hours of training before a third attempt is permitted. On a third attempt, an applicant shall be required to take the entire examination.

(d) The licensure examination of a student instructor of cosmetology, skin care, or manicuring shall be conducted by an instructor of the same profession.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-8. Records; register of applicants.** *Current through End of 2006 Regular Session.*

(a) The board shall keep a permanent record of its proceedings. That record and all other books and records maintained by the board shall be public information, shall be prima facie evidence of matters therein contained, and shall at all reasonable times be open for public inspection.

(b) The board shall keep a register of all applicants for a certificate or licensure. The register shall include, but not be limited to, all of the following information:

(1) The name, address, county of residence, and phone number of each applicant.

(2) The birth date and Social Security number of each applicant.

(3) The type of certificate or license applied for and the date of application.

(4) Whether the applicant was granted or refused a certificate or license, and if refused, the reason for the refusal.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-9. Issuance of license or permit; renewal; fees.** *Current through End of 2006 Regular Session.*

(a) A license or permit issued under the seal of the board and signed by the secretary of the board shall entitle the holder to practice the profession listed on the license or permit.

(b) To receive a personal license, an applicant shall meet any of the following



requirements or conditions:

(1) Satisfy legal requirements, complete required hours as an apprentice or student, pay the appropriate examination fee, pass the appropriate examination, and pay the required license fee.

(2) Be currently licensed in good standing in another state or jurisdiction, provide documentation of having passed a board approved examination, and pay the required license fee.

(3) Be currently licensed in good standing in another state or jurisdiction, provide documentation of having practiced as a licensee in the appropriate field for at least five years before application, and pay the required license fee.

(4) Be otherwise qualified, pay the appropriate examination fee, pass the appropriate examination, and pay the required license fee.

(c) A personal license shall expire on the last day of the birth month of the licensee in odd-numbered years. An application for renewal received more than five days after the expiration date shall be assessed a late penalty fee.

(d) To receive a business license, an applicant shall satisfy all legal requirements and pay the required license fee.

(e) A business license shall expire on the last day of September in odd-numbered years. An application for renewal received more than 31 days after the expiration date shall be assessed a late penalty fee.

(Act 99-345, p. 478, § 3; Act 2004-104, p. 143, § 3.)

**§ 34-7A-10. Payment of fees.** *Current through End of 2006 Regular Session.*

Fees for examination, licensure, and certification shall be paid in advance to the board and deposited each month into the State Treasury to the credit of a fund for the use of the board.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-11. Fee schedule.** *Current through End of 2006 Regular Session.*

A fee schedule established by the board shall include, but not be limited to, all of the following:

(1) Original issuance and renewal fees for any personal license regulated by the board.

(2) Fees for upgrading a personal license during the renewal period and for upgrading a personal license to a manager or master license.

(3) Renewal fees for a personal license on inactive status.

(4) Fees for restoring an inactive license to active status.

(5) Original issuance and renewal fees for salons, booth renters, and cosmetic studios.

(6) Original issuance and renewal fees for schools of cosmetology, schools of manicuring, and schools for estheticians.

(7) Original issuance and renewal fees for applicants seeking licensure by reciprocity.

(8) Penalty fees for late renewal of any license.

(9) Examination and reexamination fees for students in public or private schools.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-12. Change of name or address.** *Current through End of 2006 Regular Session.*

(a) A personal licensee shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.

(b) Each salon, booth renter, and cosmetic studio shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.

(c) Each salon, booth renter, and cosmetic studio which relocates to a different county shall obtain a new license from the board before moving.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-13. School registration.** *Current through End of 2006 Regular Session.*

(a) Application for school registration shall be filed with the board on forms provided by the board.

(b) No school shall be granted a certificate of registration unless all of the following requirements are satisfied:

(1) The school employs and maintains two competent instructors, at least one for every 20 students in attendance, at any one time. If the school has more than 20 students enrolled, the school shall employ an additional instructor. If the school has less than 20 students enrolled, the school shall employ one instructor and one on-call instructor.

(2) The school possesses apparatus and equipment sufficient for the proper and complete teaching of all subjects in its curriculum.

(3) The school keeps a daily attendance record of each student.

(4) The school maintains regular classes and instruction hours, establishes grades, and conducts examinations before issuing diplomas.

(5) The school requires a school term of training for a complete course with the minimum number of hours therein prescribed.

(6) The school includes practical demonstrations, theoretical studies, and study in sanitation, sterilization, other safety measures and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements applicable to cosmetology or any practice of either.

(7) The school certifies that all furniture, equipment, tools, appliances, floors, and ceilings, are kept in a clean, sanitary, and safe condition.

(c) A school that enrolls student instructors shall not have at any one time more than two student instructors for each licensed instructor actively engaged in the school. A school engaged only in the teaching of estheticians or manicurists shall not be required to provide instruction in other practices of cosmetology but shall meet all other requirements imposed by the board upon a school of cosmetology pertaining to instructors, attendance records, enrollments, and other matters.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-14. Display of certificate.** *Current through End of 2006 Regular Session.*

Each holder of a certificate or license granted by the board shall display the certificate or license in a conspicuous place in his or her principal office, place of business, or place of employment, and each license or certificate shall have attached thereto a picture of the licensee made not more than three years prior to the date the license was issued.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-15. Refusal, revocation, etc., of certificate or license.** *Current through End of 2006 Regular Session.*

(a) The board may refuse to grant, or may revoke or suspend, a license or a certificate of registration upon proof of violation of this chapter or any rule or regulation promulgated by the board.

(b)(1) The board may, for any of the following reasons, refuse to grant or renew, or may revoke or suspend the license or certificate of registration of any applicant, licensee, or holder who:

- a. Is found guilty of fraud or dishonest conduct in taking the examination.
- b. Has been convicted of a felony or gross immorality, or is guilty of grossly unprofessional or dishonest conduct.
- c. Is addicted to the excessive use of intoxicating liquor or to the use of drugs to an extent that he or she is rendered unfit to practice any profession regulated by the board.
- d. Advertises by means of knowingly false or deceptive statements.
- e. Fails to display his or her license or certificate as required by this chapter.

(2) The board may not refuse to grant, refuse to renew, revoke, or suspend any license or certificate without a hearing. The affected applicant, licensee, or holder of a certificate shall be given at least 20 days' notice in writing of the hearing, specifying the reasons for the action by the board and any offense charged. Notice may be served by registered or certified mail to the last known residence or business address of the applicant, licensee, or holder of a certificate. The hearing shall be held in Montgomery County at a time and place prescribed by the board.

(c) In addition to any disciplinary powers authorized by this section, the board may levy and collect an administrative fine of not more than five hundred dollars (\$500) per violation for serious violations of this chapter or the rules or regulations of the board.  
(Act 99-345, p. 478, § 3.)

**§ 34-7A-16. Findings, orders of board.** *Current through End of 2006 Regular Session.*

Any finding or order of the board, obtained pursuant to an inquiry or hearing conducted before a majority of the members of the board, shall be deemed the finding or order of the board when approved and confirmed by a majority of the members of the board.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-17. Appeal.** *Current through End of 2006 Regular Session.*

Notwithstanding any other provision of law, a person who has exhausted all administrative remedies available through the board, other than a rehearing, and who has been aggrieved by a final decision in a contested case, shall be entitled to an appeal in accordance with Section 41-22-20. A decision by the board to refuse to issue or renew a license, or to revoke, suspend, or otherwise restrict a license or limit or otherwise discipline a licensee, shall be subject to those provisions regarding stays pursuant to subsection (c) of Section 41-22-20. A decision that a candidate for licensure has failed any examination given by the board shall not be considered a final order reviewable by any court.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-18. Construction of chapter.** *Current through End of 2006 Regular Session.*

This chapter shall not be construed to affect or regulate the teaching of cosmetology or any of its practices in any public school.  
(Act 99-345, p. 478, § 3.)

**§ 34-7A-19. Exemption from chapter.** *Current through End of 2006 Regular Session.*

(a) This chapter shall not apply to any of the following activities or services:

(1) Service in the case of emergency or domestic administration, without compensation.

(2) Services by persons authorized under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic or the occupation of a masseur.

(3) The services by any barber, including barber's apprentices and shop boys, when engaged in any of the following practices:

a. Arranging, cleaning, cutting, styling, dressing, curling, applying permanent curling or styling solution, waving, bleaching, coloring, applying any cosmetic chemical preparation to or singeing the hair of any person.

b. Massaging, cleansing, stimulating, exercising, or similar work upon the scalp, face, or neck of any person with the hands, or with mechanical or electrical apparatus or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) The services of personnel of the United States Army, Navy, Air Force, or Marine Corps.

(5) The services of registered nurses doing any of the acts or works defined as cosmetology.

(6) To the teaching or practice of cosmetology in training public school or trade school pupils.

(7) To any person who only occasionally dresses hair and receives no compensation therefor, or does any other act or thing mentioned in this chapter without holding himself or herself out to the public as a practicing cosmetologist.

(8) To any public trade school or other public school or school program under the purview of the State Board of Education or a local board of education.

(9) To departments in retail establishments where cosmetics are demonstrated and offered for sale but where no other acts of cosmetology are performed.

(b) Any person who knowingly interferes with any service, practice, or action exempted from this chapter shall be guilty of a Class A misdemeanor.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-20. Duration, expiration, and reinstatement of license; records.** *Current through End of 2006 Regular Session.*

(a) No license issued by the board shall be valid for more than two years.

(b) An expired license may be reinstated within three years after the date of expiration by paying renewal fees for the lapsed period, a current renewal fee, and a late fee.

(c) A license which has been expired for more than three years may be reinstated by furnishing proof of prior licensure, paying the appropriate practical examination fee, passing the appropriate practical examination, and paying renewal fees for the lapsed period, a current renewal fee, and a late fee.

(d) The record of any licensee, student, apprentice, or examination candidate who does not renew within four years or which does not indicate any activity for four years

may be purged by the board.

(Act 99-345, p. 478, § 3; Act 2004-104, p. 143, § 3.)

**§ 34-7A-21. Salon, shop, or booth license.** *Current through End of 2006 Regular Session.*

Any person desiring to obtain a salon license, shop license, or booth license shall submit a written request to the board for an application. A salon or shop that loses its managing or master licensee shall immediately notify the board, hire a new manager or master licensee, and submit an affidavit completed by the new manager or master to the board.

(Act 99-345, p. 478, § 3.)

**§ 34-7A-22. Qualifications of applicants for examination, registration, etc.** *Current through End of 2006 Regular Session.*

No person may be admitted to examination, registered, licensed, or issued a certificate by the board unless he or she possesses the following applicable qualifications:

(1) Apprentice. A cosmetologist, esthetician, or manicurist apprentice shall be registered with the board upon beginning an apprenticeship in a licensed shop or salon and paying the original registration fee. An apprentice shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school. Any salon or shop which trains an apprentice shall immediately file with the board the name and age of the apprentice, and the board shall retain that information in a register kept for that purpose. An apprentice shall not be concurrently enrolled in a school licensed pursuant to this chapter except for six hours of theory training per week. An esthetician salon may only train an apprentice esthetician for license under the direction of a master or instructor esthetician. A manicurist salon may only train an apprentice manicurist for license under the direction of a master or instructor manicurist.

(2) Cosmetologist. Except as otherwise provided in this chapter, no person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of cosmetology, consisting of all or a majority of the practices thereof, in a school of cosmetology, consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of training.

b. An apprenticeship in a cosmetology salon for not less than 3,000 hours of training over a maximum three year period, not exceeding eight hours a day.

(3) Cosmetologist instructor.

a. Except as otherwise provided in this chapter, no person may be licensed as an instructor in any one or a combination of the practices of cosmetology unless he or she pays the original licensing fee, is a licensed cosmetologist, and, to be eligible for admission to examination, has successfully completed either of the following:

1. Not less than 1,250 credit unit hours nor more than 1,700 actual clock hours in a teacher's training course in cosmetology in a school of cosmetology, or a course of study in a public school or trade school consisting of not less than 1,250 credit unit hours nor more than 1,700 actual clock hours of training.

2. At least one year of experience as an active practicing cosmetologist before enrollment as a student instructor, supplemented by not less than 650 hours in a teacher's training course in cosmetology in a school of cosmetology.

b. To be eligible to enroll in a teacher's training course, a cosmetologist shall have an education equivalent to the completion of 12 grades in school.

c. A cosmetologist instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(4) Demonstrator. A demonstrator shall obtain a license from the board before conducting a demonstration. The requirements for a demonstrator's license include, but are not limited to, submission to the board of a health card, two photographs, a notarized application, and the applicable fee.

(5) Esthetician. Except as otherwise provided in this chapter, no person may be licensed as an esthetician unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of skin care, consisting of all or a majority of the practices thereof, in a school of cosmetology or school for estheticians, consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of training.

b. An apprenticeship in a cosmetology salon or esthetician salon for not less than 3,000 hours of training over a maximum three year period, not exceeding eight hours a day.

(6) Esthetician instructor. Except as otherwise provided in this chapter, no person may be licensed as an esthetician instructor unless he or she pays the original licensing fee, is a licensed cosmetologist or esthetician, and, to be eligible for admission to examination, has successfully completed not less than 1,250 credit unit hours nor more than 1,700 actual clock hours in a teacher's training course in skin care in a school of cosmetology or school for estheticians. To be eligible to enroll in a teacher's training course, an esthetician shall have an education equivalent to the completion of 12 grades in school. An esthetician instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(7) Managing cosmetologist. Except as otherwise provided in this chapter, no person may be licensed as a managing cosmetologist unless he or she pays the original licensing fee, is a licensed cosmetologist, and has held an active license for at least one year before application.

(8) Managing esthetician. Except as otherwise provided in this chapter, no person may be licensed as a managing esthetician unless he or she pays the original licensing fee, is a licensed esthetician, and has held an active license for at least one year before application.

(9) Managing manicurist. Except as otherwise provided in this chapter, no person may be licensed as a managing manicurist unless he or she pays the original licensing fee, is a licensed manicurist, and has held an active license for at least one year before application.

(10) Manicurist. Except as otherwise provided in this chapter, no person may be licensed as a manicurist unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of manicuring, consisting of all or a majority of the practices thereof, in a school of cosmetology or school of manicuring, consisting of not less than 600 credit unit hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 600 credit unit hours of training.

b. An apprenticeship in a cosmetology salon or manicurist salon for not less than 1,200 hours of training over a maximum three year period, not exceeding eight hours a day.

(11) Manicurist instructor.

a. Except as otherwise provided in this chapter, no person may be licensed as a manicurist instructor unless he or she pays the original licensing fee, is a licensed cosmetologist or manicurist, and, to be eligible for admission to examination, has successfully completed either of the following:

1. Not less than 1,250 actual clock hours in a teacher's training course in manicuring in a school of cosmetology or school of manicuring, or a course of study in a public school or trade school consisting of not less than 1,250 actual clock hours of training.

2. At least one year of experience as an active practicing cosmetologist or manicurist before enrollment as a student instructor, supplemented by not less than 650 hours in a teacher's training course in cosmetology or manicuring in a school of cosmetology or school of manicuring.

b. To be eligible to enroll in a teacher's training course, a manicurist shall have an education equivalent to the completion of 12 grades in school.

c. A manicurist instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(12) Master cosmetologist or master esthetician or master manicurist. Any person licensed as a managing cosmetologist, managing esthetician, or managing manicurist, who pays the original licensing fee and completes a course of study in continuing education approved by the board within a licensing period, may be issued a master license. The master license is an optional license available upon renewal to those licensees who voluntarily complete the continuing education requirements.

(13) Student cosmetologist.

a. Upon certification of enrollment by a school of cosmetology, the name and birth date of each student cosmetologist shall be entered by the board in a register kept for that purpose. A student cosmetologist shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school. Registration with the board shall be on forms provided by the board.

b. A student who has completed 70 percent of the required school instructional hours may, when school is not in session, work in a cosmetology salon. One student trainee shall be allowed for the first master or managing cosmetologist and one additional student trainee shall be allowed for each three additional cosmetologists on staff.

c. Within 90 days after a student completes the required school instructional hours and training, the appropriate instructor shall schedule an examination of the student with the board. If application for examination is not received within the 90 day period, the applicable instructional hours and training shall be invalidated.

(14) Student esthetician. Upon certification of enrollment by a school of cosmetology, or school for estheticians, the name and birth date of each student esthetician shall be entered by the board in a register kept for that purpose. A student esthetician shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school.

(15) Student instructor. Upon certification of enrollment by a school of cosmetology, school for estheticians, or school of manicuring, the name, birth date, and qualifications of each student instructor shall be entered by the board in a register kept for that purpose. At the time of enrollment, a student instructor shall be licensed as a cosmetologist, esthetician, or manicurist and shall have an education equivalent to the completion of 12 grades in school. Upon completing the instructional course prescribed for student instructors, a student instructor may apply to the board for examination, on a form provided by the board, and pay any applicable examination fee. Any applicant who passes the examination to the satisfaction of the board and pays the original licensing fee of an instructor shall be issued an instructor's license by the board. A school for estheticians may only train esthetician student instructors for licensure. A school of manicuring may only train manicurist student instructors for licensure.

(16) Student manicurist. Upon certification of enrollment by a school of cosmetology or school of manicuring, the name and birth date of each student manicurist shall be entered by the board in a register kept for that purpose. A student manicurist shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school.

(Act 99-345, p. 478, § 3; Act 2006-158, § 3.)

**§ 34-7A-23. Teacher's permit.** *Current through End of 2006 Regular Session.*

The board may issue a teacher's permit to any person licensed to practice in any field related to cosmetology, skin care, or manicuring. Before a permit is issued, the licensee shall apply to the board, pay the applicable fee, and provide proof of qualifications. A teacher's permit entitles the holder to teach theory only in the field in which he or she is licensed to practice.

(Act 99-345, p. 478, § 3.)



**§ 34-7A-24. Licensure, etc., under former chapter.** *Current through End of 2006 Regular Session.*

For the purposes of this chapter, any person or entity properly licensed, certified, or registered by the Alabama Board of Cosmetology on June 3, 1999, shall be similarly licensed, certified, or registered by the Alabama Board of Cosmetology as created by this chapter, without penalty, for the time remaining on the license of the licensee.  
(Act 99-345, p. 478, § 3.)

**§ 34-7A-25. Continuation of board.** *Current through End of 2006 Regular Session.*

The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7-1 to 34-7-47, inclusive, is continued pursuant to the this newly-created chapter. All rights, duties, property, real or personal, and all other effects existing in the name of the Alabama Board of Cosmetology, or in any other name by which the board has been known, shall continue in the name of the Alabama Board of Cosmetology. Any reference to the Alabama Board of Cosmetology, or any other name by which the board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Board of Cosmetology as created in this chapter. All actions of the Alabama Board of Cosmetology lawfully done prior to June 3, 1999, by the board or by the executive director, are approved, ratified, and confirmed. The board as constituted on June 3, 1999, shall constitute the board under this chapter.  
(Act 99-345, p. 478, § 2.)

## Board Members



### **ALABAMA BOARD OF COSMETOLOGY**

**RSA Union Building  
PO Box 301750  
Montgomery, AL 36130-1750  
334-242-1918 Office • Toll Free 1-800-815-7453 • Fax 334-242-1926  
www.aboc.state.al.us**

**Bob McKee**  
*Executive Director*

**Floyd McDonald**  
*President*

September 5, 2007

#### **Current Members of the Alabama Board of Cosmetology**

<b>Board Member</b>	<b>Position</b>	<b>Congressional District And Address</b>	<b>Term of Office</b>
Honorable Floyd McDonald, President	Master Cosmetologist	First District Mobile, AL 36618	May 18, 2007
Honorable Evonne Bennett, Secretary	Instructor	Second District Dothan, AL 36303	May 18, 2009
Honorable Sophia Taylor	Instructor	Third District Phenix City, AL 36867	May 18, 2008
Honorable Nancy Fair	Consumer	Fourth District Gordo, AL 35466	May 18, 2006
Honorable Kathy Linden	Consumer	Fifth District Huntsville, AL 35801	April 9, 2010
Honorable Charles Preston, Treasurer	Instructor	Sixth District Hoover, AL 35226	March 25, 2010
<b>Official</b>		<b>Contact</b>	<b>Term</b>
Bob McKee Executive Director		Alabama Board of Cosmetology 100 South Union St., Suite 324 Montgomery, AL, 36104 Phone: 334-242-1918 Fax: 334-242-1926 Web: <a href="http://www.aboc.alabama.gov">www.aboc.alabama.gov</a>	Indefinite
<b>Attorney</b>			
Ms. Monet Gaines		Office of Attorney General, Montgomery, AL 36130	

Sincerely,

**Bob McKee**  
Executive Director

Floyd McDonald and Nancy Fair continue to hold office until successors are appointed and qualified.

## RESPONSE TO SIGNIFICANT ITEMS

**ALABAMA BOARD OF COSMETOLOGY**

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**Bob McKee  
Executive Director**

**Floyd McDonald  
President**

October 2, 2007

Mr. John Norris  
Alabama Examiners of Public Accounts  
P.O. Box 302251  
Montgomery, AL 36130-2251

Dear Mr. Norris:

By means of this letter we are responding to the significant items listed from the most recent visit by auditors to this agency.

I appreciate the courteous and professional conduct of Robin Stone and Leah Veach who conducted this audit. They were both very helpful and resourceful.

Thanks for your attention, and please let me know if you have questions about our response.

Sincerely,

Bob McKee

## **SIGNIFICANT ITEMS**

There are no current significant items.

## **STATUS OF PRIOR FINDINGS**

All prior significant items and findings have been resolved except:

### **1. Prior Finding**

The board does not have a formal written and tested disaster recovery plan for its physical and electronic data, thereby reducing the likelihood that the board could continue to function effectively following a natural or man-made disaster that affected its electronic records and resources.

### **Recommendation**

The board should create and test a disaster recovery plan which includes provisions for protection of electronic records and to enable the board to continue operations after a natural or man-made disaster.

### **Current Status**

The board is in the process of contacting a professional to assist them with preparing a disaster recovery plan. At the present time, the board's licensing database servers are housed with the Information Services Division (ISD) of the Department of Finance. ISD is responsible for the backup and off site storage of the board's licensing database. All other pertinent accounting, personnel and licensing information is kept by the board at its office. Such data is backed up, however; the backed up data is not stored off site.

### **Response:**

*The board has made an agreement with Dr. Eugene Akers of the Center for Advanced Technologies from Auburn University at Montgomery to develop a comprehensive disaster recovery plan which is expected to be implemented by early 2008.*

### **2. Prior Significant Item**

The proliferation of unlicensed barbershops offering essentially the same services as cosmetologists reduces the board's ability to regulate the practice of cosmetology. A review of "problem" inspections (unlicensed shops, shops with license violations, shops with low inspection scores, shops that could not be inspected) from 6/03 through 8/04 shows of 130 problem inspections, 55 or 42% were unlicensed shops. The board's procedure upon discovering an unlicensed shop is to explain cosmetology is a licensed profession in Alabama and to leave an application for licensure with the shop manager. However, unless the unlicensed shop is performing nail services, there is no legal requirement for the shop to become licensed as the definitions of cosmetologist services and the barber services exempted from the cosmetology licensing law are substantially the same.

### **Current Status**

The status of the exemption in the board's governing statutes remains unchanged. The board introduced a bill in the 2005 legislative session that would have affected the exemption; however, the bill did not succeed at becoming an act. The executive director stated that this condition remains a problem for the board. Of the 59 (of 200) personal licensees who responded to the questionnaire, 11, or 18.6%, believe unlicensed operators and shops to be a significant issue to the profession of cosmetology. Of the 40 (of 100) salon and school owners who responded to the questionnaire, 13, or 32.5%, believe that unlicensed operators and shops are a significant issue to the profession of cosmetology.

### **Response:**

*Alabama's bizarre exemptions are a constant source of confusion to our inspectors and a constant source of frustration for our licensees. Only legislation to create a barber commission and revise exemptions can provide a remedy for this situation.*

### **3. Prior Significant Item**

Follow-up of poor salon inspection scores is not timely. A review of low score inspections from 12/2/03 through 8/21/04 showed that of 21 inspections reviewed, re-inspection occurred between 19 and 111 days after the low score inspection. Just over half of re-inspections occurred subsequent to the required 30 days. The condition of untimely re-inspections is not resolved. The chart below shows the occurrence rate of re-inspection:

<b>Time</b>	<b>Number of Inspections</b>
30 or less days	4
31 to 40 days	6
41 to 50 days	2
51 to 60 days	3
61 to 70 days	2
71 to 80 days	2
81 to 90 days	1
91 to 100 days	0
Over 100 days	1
Total	21

### **Current Status**

The board amended rule 250-X-3-.08(5) through proper procedure to increase the amount of time for re-inspection from 30 days to 90 days. The rule was effective September 6, 2005. From a re-inspection register dated 8/29/07, 8 shops had inspection scores of less than 80. Of the 8 shops, 4 had not been re-inspected within the 90 day requirement.

### **Response:**

*One of the salons referenced was in Houston County, and the inspection was performed by the inspector who lives in Tallapoosa County. The reinspection was assigned to the*

*inspector who lives in Houston County, and she became very ill and had surgery during the period referenced.*

*Three of the salons were in Lee County, and the inspections were performed by the inspector who lives in Tallapoosa County. The reinspections were assigned to the inspector who lives in Houston County, and as noted, she became ill and had surgery during the period referenced.*

*Our practice is to rotate inspectors from one geographical area to another, and to assign a different inspector for reinspections from the inspector who performed the first inspection. This may have led to our missing the deadline, and in the future we will take care to have an alternate inspector to deal with such emergencies.*

*These reinspections have been assigned and will probably be completed by the time this response is received.*